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REPORT I

International Labour Conference

EIGHTEENTH SESSION

GENEVA — 1934

REDUCTION OF HOURS OF WORK

First Item on the Agenda

GENEVA

INTERNATIONAL LABOUR OFFICE

1934

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INTRODUCTION

The Governing Body of the International Labour Office decided in September and October 1932 to convene a Tripartite Preparatory Conference for the purpose of making a preliminary survey of the question of hours of work in relation to unemployment (excluding agricultural and maritime employment) and to place the question on the agenda of the Seventeenth (1933) Session of the International Labour Conference for further consideration on the basis of the Report of the Preparatory Conference.

The Tripartite Preparatory Conference took place in January 1933, and in February the Governing Body directed that the report should be communicated to the Governments of the States Members, and instructed the International Labour Office to prepare for the Seventeenth Session of the Conference all the material necessary to enable the Conference either to treat the matter by a single discussion procedure with a view to decisions being taken at that Session in the form of Draft Conventions or Recommendations, or else to deal with it by way of a first discussion only in accordance with its normal procedure.

The Seventeenth Session of the Conference, held in June 1933, decided that the matter was a suitable subject for a Draft Convention or Recommendation, that only a first discussion should take place at that Session, and that the matter should be placed on the agenda for the purpose of a second discussion at the following Session. The Conference also decided the points upon which Governments should be consulted for the purpose of the second discussion.

A Questionnaire prepared by the International Labour Office on the basis of the conclusions of the Seventeenth Session of the Conference was communicated to the Governments of the States Members in July 1933. The replies of the Governments to this Questionnaire are reproduced in Chapter I of this report. They are followed in Chapter II by a brief survey of the problem, and Chapter III sets out the conclusions drawn from the replies upon which the Office has based proposals for Draft Conventions and a

Recommendation. These proposals are submitted to the Eighteenth Session of the Conference, in accordance with its Standing Orders, with a view to the taking of final decisions in the form of Draft Conventions or a Recommendation, or both.

When the Questionnaire was despatched by the International Labour Office Governments were requested to send in their replies by 15 November 1933 in the case of European countries, and by 1 December in the case of extra-European countries, in order to give the Office a sufficient interval to make a complete study of all the replies and despatch the report based on them in good time before the various national delegations left their countries to attend the Conference in Geneva. In fact, most of the replies did not reach the Office until long after these dates, and it was not until February that a sufficient number of replies had been received to provide a basis for the Office's work. This delay naturally impeded the preparation of the report by the Office and, even with the extra time made available by the decision of the Governing Body in January to postpone the date of opening of the Conference from 11 May to 4 June 1934, the Office has found it difficult to secure publication of the report at as early a date as it would have wished.

By 3 March 1934, the date on which this report was closed for the purpose of including replies to the Questionnaire, replies had been received from the Governments of the following 27 countries: Austria, Belgium, Brazil, Bulgaria, Canada, (Provinces of Manitoba, Ontario and Saskatchewan), Chile, Denmark, Estonia, Finland, France, Hungary, India, Irish Free State, Italy, Japan, Latvia, Lithuania, Netherlands, New Zealand, Norway, Poland, Siam, Spain, Sweden, Switzerland, Turkey and Yugoslavia.

Any other replies which may be received in the course of the next few weeks will be issued in a supplementary report.

Geneva, March 1934.

CHAPTER I

REPLIES OF THE GOVERNMENTS

A certain number of Governments—Brazil, Canada (Ontario), Estonia, Hungary, Irish Free State, Japan, Lithuania, New Zealand, Siam, Turkey—did not reply in detail to the Questionnaire and the statements made by them are reproduced as a separate group below:

BRAZIL

Preamble

I. The official economic statistics services of Brazil are not sufficiently developed or equipped to be able to collect in the short time available reasonably complete and exact data concerning the present situation of the industries of the country as regards the reduction of their activity owing to the general depression or the number of workers unemployed or on short time in the various classes of undertakings.

II — VI. Even moderately precise replies to these questions could be furnished only after a careful series of detailed enquiries and careful studies into the subjects mentioned. Such a task would in view of its scope and complexity—upon which it is unnecessary to dwell—require a great deal of time, the expenditure of considerable sums of money and the employment of a large expert staff, and these are at the disposal of the Government Departments concerned only to a very limited degree.

Questionnaire

Although the world economic crisis has not been without some reaction upon certain branches of industry in Brazil, it is nevertheless true that in this country, where the peopling of the territory is being carried out systematically by schemes of rural settlement, the general depression in business which is afflicting certain parts of the world so cruelly has only an insignificant and a temporary effect upon the workers, since other means of gaining a livelihood are open to those workers who may be temporarily affected by unemployment due to a diminution of production in the trade in which they were engaged.

In spite of these favourable conditions the Government is not opposed in principle to the adoption of regulations of an international character with a view to the organisation of hours of work so as to mitigate the deplorable effects of unemployment, the consequences of which are universal. Nevertheless, it cannot come to a definite decision in regard to the reduction of hours of work and the maintenance of weekly wages until certain questions which it regards as of primary importance have been cleared up. In particular, it is necessary:

to be assured of the real efficacy of the measures contemplated as regards the increase of the purchasing power of the working

class, which is an essential condition for the revival of industrial production;

to take account, as precisely as possible, of the effect of the increase in the price of industrial products resulting from the increase in labour costs on the purchasing power of the working class and of the population in general;

to determine what would be the situation as a result of the maintenance of weekly wages of the many undertakings which are at present working a week of 24, 32 or 40 hours and which would not be affected by the measures proposed, since the application of the measures would place at a disadvantage economically the undertakings which are at present working a week of 48 hours (often with only part of the plant). The latter would in fact be obliged to raise the rate of wages, which would invariably increase their costs of production whereas their competitors in the former category would continue to pay the same weekly wages as previously. In this connection it seems that it would have been simpler and more logical to take into account the rate of remuneration per unit of time, a system which would be applicable to all kinds of economic activity in all circumstances and whatever the method of payment adopted. This rate per hour can be easily calculated from the weekly or monthly wages, or else ascertained on the basis of the average output when payment is made on the basis of output.

In these circumstances, the Government does not think it can usefully express an opinion on all the details of organisation and application contemplated by the Questionnaire. It hopes that the various aspects of the problem which are obscure and doubtful will be fully elucidated in the course of the second discussion on the subject which will take place in 1934, and that the Government Delegation to the Conference may come to a decision on the basis of full knowledge of the facts and, if possible, give its approval to the Draft Convention or Recommendation which may be drawn up. Such approval, however, can only be conditional as the Government wishes to reserve to itself the right to examine the possibility of giving practical application in whole or in part to the various measures prescribed in the proposed regulation.

In any event the Government is of opinion that the reduction of hours of work to 40 or 30 (or perhaps 25) a week can only be regarded as a measure of an exceptional character to be applied solely to those industries in which there is a really abnormal and unduly prolonged lack of employment. It does not think that in the present circumstances of the majority of productive countries it could be admitted as reasonably desirable that there should be a general and permanent reduction of economic activity to five, four or even three days of effective work per week.

Canada

Ontario

The attitude of the Government of the Province of Ontario on the question of the reduction of hours of work has already been outlined, as reproduced in the Grey-Blue Report of the Tripartite Preparatory Conference, page 58. The Government maintain this opinion.

A reduction of hours of labour of productive workers is desirable in so far as may be consistent with increased industrial capacity and

changes in markets. Whenever the variations in demand for products require changes in volume of production, the principle should be established of reducing hours in preference to reducing the staff, and of increasing the staff in preference to increasing the hours of work. Restriction of hours of labour in highly seasonal industries would not be practicable and these industries should be exempt from any such regulations, at least until further information on the industries concerned is available.

In case of reduced hours an increase in wage rates is desirable in such proportion that any loss due to change in working hours will be borne by both employers and employees in order to protect existing standards of living without undue increase in the cost of production.

The Government is of opinion, however, that the factors entering into future developments are too complex for an inflexible and permanent regulation, which might lead to complications that would greatly outbalance any useful purpose it might serve.

Estonia

The Government approached this question with a view to discovering whether a reduction of hours of work would really provide any relief for unemployment in Estonia. The result of the examination of the question has been negative, for the following reasons. The equipment and methods of work of industrial undertakings in Estonia are out-of-date and in consequence it is already extremely difficult to compete with countries in which industry is modern and highly developed. If, nevertheless, a reduction of hours of work were to be effected, there would be a risk that Estonian industry would be deprived of any possibility of competing with foreign industries and that unemployment would not only not be reduced but would be considerably increased. Moreover, it is difficult to conceive a reduction of hours of work without a reduction of wages, which in turn would exercise a detrimental influence on the position of the workers and reduce their purchasing power.

The Government accordingly is unable to express itself in favour of the adoption of the Draft Convention. A Recommendation appears to it to be more simple.

The Questionnaire, however, contemplates only the possibility of a Draft Convention being adopted and is framed accordingly. The Government is therefore unable to reply in detail to the various questions.

Hungary

For many years the Government of Hungary has been endeavouring to regulate hours of work in accordance with modern requirements. Hours of work in Hungary are regulated by Law XVII of 1884, known as the " Industrial Code ", but the provisions of this Law are out of date and may be regarded as obsolete in practice. For this reason new legislation regulating hours of work is required, although the eight-hour day was introduced by a considerable proportion of industrial undertakings some years ago, while the present regrettable economic situation has compelled an increasing number of undertakings to work less than 48 hours a week. The Government of Hungary, after repeated consultations with the organisations of employers and workers and consideration of their views, has drafted legislation dealing with the

eight-hour day. Although this draft has been ready for a considerable time, in view of the extreme gravity of the present economic situation and the irreconcilable conflict of views between the employers' and workers' organisations, the Government of Hungary has not felt itself in a position to submit the draft to Parliament, but is awaiting a favourable opportunity to do so. In these circumstances the Hungarian Government feels that it cannot bind itself to introduce the 40-hour week. Since it has no knowledge of the effects that the 48-hour week might have upon the economic life of the country, the Hungarian Government is not in a position to give consideration to the situation which might result from the introduction of the 40-hour week. In view of the fact that Hungary is an agricultural country, these difficulties are all the more serious since the reaction of the 40-hour week on prices would bear very hardly on the agricultural population, who are the majority of the consumers.

Consideration must also be given to the fact that the majority of industries in Hungary have not at their disposal the number of skilled workers which would be required in the event of the introduction of the new system.

Inasmuch as a considerable number of small States are in a similar situation, the ratification of a Draft Convention by those States could not be counted on with any certainty. It may further be assumed that the great industrial States which have not ratified the Washington Convention concerning the eight-hour day would refrain, for the same reasons, from ratifying any Convention which might be adopted establishing a 40-hour week.

For the foregoing reasons the Government of Hungary is of opinion that the International Labour Conference should adopt a Recommendation on this subject and not a Draft Convention. Such a Recommendation would be of undeniable value, since it would allow the States to take the measures which are best adapted to their national interests.

Irish Free State

The question of the Reduction of Hours of Work as a contributory factor in the reduction of Unemployment is one of great difficulty and complexity, a decision on which may have far-reaching effects. Various aspects of it give rise to problems on which it is not possible to formulate conclusions except after mature consideration and in some cases extensive investigation. The Government has not yet had an opportunity of giving the matter as much consideration as would enable a detailed reply to be given to the Questionnaire. The Government is, however, promoting legislation to amend the Factory and Workshop Act and has under consideration in connection with the preparation of the amending Bill the question of the statutory limitation of hours of work of adults and juveniles.

Japan

The Government considers it desirable to reduce hours of work with a view to ameliorating unemployment. However, the prescription by legislation of compulsory reduction of hours of work which could be effective in alleviating unemployment would be difficult from the economic and technical points of view under the existing conditions in Japan. Further, in such a case it would also be difficult in practice

to ensure the maintenance of wages by legislation. Consequently, the Government is not in a position to agree, for the time being, to an international regulation on this subject.

Lithuania

The reduction of hours of work is not a practical possibility in Lithuania at present. The Government is therefore not in a position to reply to the questions put.

New Zealand

It is considered by the New Zealand Government that this is a matter which should be left to the individual members for decision according to the financial and economic conditions prevailing in each country. So far as New Zealand is concerned the hours of work are, generally speaking, lower than those that are observed in other countries.

Siam

In view of the special social and economic conditions obtaining in Siam the question of the reduction of hours of work does not in the meantime present any serious problem to the Government. In these circumstances, the Government regrets that it is not in a position to furnish any replies to the Questionnaire.

Turkey

The Government, not having the necessary information at its disposal, regrets that it is not at present in a positive to furnish replies to the Questionnaire.

The statements of the Governments which furnished, in time for inclusion in this Report, detailed replies to the Questionnaire are reproduced below in the alphabetical order of the countries concerned. It will be noted that not all the Governments that have furnished replies to the Questionnaire have been in a position to give information on the matters raised in the Preamble. The replies are subdivided, for convenience of reference, under the following headings:

I. *Preamble:* Points I to VI.

II. *Desirability of international regulations:* Question 1.

III. *Other general questions:* Questions 2 to 10.

IV. *Scope:* Questions 11 to 14.

V. *Hours of work:* Questions 15 to 20.

VI. *Special systems for certain industries or activities:* Questions 21 and 22.

VII. *Guarantees for the creation of fresh employment:* Question 23.

VIII. *Exceptions:* Questions 24 to 29.

IX. *Enforcement and supervision:* Questions 30 and 31.

X. *Geographical extent of the Regulations:* Questions 32 and 33.

XI. *Special systems for certain countries:* Question 34.

XII. *Coming into force and duration of the Regulations:* Questions 35 to 39.

XIII. *Technological unemployment:* Question 40.

I. — Preamble

Governments are invited to communicate, in due course and so far as it is possible for them to do so, their views and information for their respective countries on the following points:

I. *The position as to:*

(a) *Numbers employed and unemployed;*

(b) *Existing weekly working hours and how far these fall short of the normal weekly hours;*

(c) *The extent to which the length of the average working week has in practice been reduced by means of:*

(i) *a shorter working week for all workers in an undertaking; or*

(ii) *the application of rotation systems, the period of operation of the undertaking being unaltered; or*

(iii) *any other method.*

(d) *Seasonal industry.*

II. *The effect which a reduction of hours of work to 40 per week would have in increasing or decreasing employment and on the labour market according as:*

(a) *Existing time rates per hour worked and piece rates are increased proportionately to the reduction of hours;*

(b) *Existing time rates per hour worked and piece rates are not increased.*

III. *Indications of the measures which would be necessary for neutralising or mitigating a reduction of employment in industries in which, owing to general or special circumstances, this should result from a reduction of hours.*

IV. *The extent to which* (a) *cost of production and* (b) *the general national economy would be affected according as:*

(a) *Existing time rates per hour worked and piece rates are increased proportionately to the reduction of hours;*

(b) *Existing times rates per hour worked and piece rates are not increased.*

V. *The influence of a reduction of hours of work on social insurance schemes.*

VI. *The technical practicability of reducing hours of work to 40 per week.*

Belgium

I. It is impossible to reply at present to the questions put under Item I. A census of the number of employed persons has been undertaken by the Statistical Service, but the work will be completed only in the course of the coming year. As for the number of workers unemployed, this cannot be ascertained precisely since information is available only in respect of workers who are members of unemployment funds. The number of such workers at the end of September 1933 was 1,013,644, and of these there were on the same date 297,466 unemployed, of whom 138,131 were wholly unemployed, and 163,067 partly unemployed.

II. The question of the effect which a reduction of hours of work would have according to whether existing hourly rates were increased or, alternatively, maintained is dealt with both under this Item and under Item IV of the Preamble. It will be convenient before proceeding further to study in detail the consequences which will follow on these two hypotheses before examining what will be the reaction either on the existing unemployment (Item II) or on the national economy (Item IV). In order to maintain the same weekly wage with the hours of work reduced from 48 to 40, the hourly rate would have to be increased by 20 per cent. In the case of continuous process undertakings, in which the hours of work of the successive shifts would have to be reduced from 56 to 42 (see Question 17), the increase would have to be $33^1/_3$ per cent. In an industry where the cost of production included only manual labour, the increase in the cost of production would be exactly in these ratios. This case, however, is purely theoretical. In reality wages are never more than a fraction of the cost of production, the remainder being made up of the cost of the raw materials, transport charges, overhead expenses, depreciation, etc. The higher the fraction of the total represented by wages, the more nearly would the increase in the cost of production approach the above-mentioned limits of 20 per cent. and $33^1/_3$ per cent. Similarly, if the raw materials are entirely produced

in the country (or if they come from countries in which hours of work have been reduced while wages are maintained) they would also be affected and subject to a greater or less increase in price. Furthermore, what are generally considered as overhead charges in industry also include certain wages, such as those of the workers engaged in warehousing, delivery, etc. They would likewise be subject to an increase. Salaries would also be affected to the extent to which the reduction of hours of work and the corresponding increase in salaries calculated at hourly rates would be extended to non-manual workers. Allocations for depreciation would also not remain unaffected so far as they may be regarded as primarily intended to provide for the replacement of the plant. Since this replacement would have to be effected under the new system, the expenditure would be higher, all other things being equal, than in existing circumstances. Finally, it must be noted that the increase in the cost of production which may be calculated, *a priori*, on the basis of the proportion of labour included varies considerably according to whether each branch of industry is taken by itself or whether account is taken of the cumulation of increases applying simultaneously to the various stages through which the raw material passes before being delivered for consumption in the form of the finished product.

Without special enquiry into the matter it is not possible to determine the proportion of labour in respect of the different industries. Nevertheless, in order to secure some precision but with all due reserve, the very reasonable hypothesis might be adopted that wages and salaries account for only 50 per cent. in the average cost of production. Making allowance for the cumulative effect of the increases, the increase in the cost of production would be 10 per cent. or 16.7 per cent., according to whether the industry was not or was a continuous process industry. The latter ratio would obviously vary considerably according to whether the industry was, for example, the steel industry or the working of an electric power station. It is given only as an average and as a hypothetical figure intended to clarify the explanation which follows.

In the foregoing analysis one element has been ignored. This is the increase in overhead charges due to the mere fact that the hours of operation in the undertaking have been reduced, or, on the other hand, that the number of workers has been increased, if the latter method is adopted as a solution of the problem. In fact, if the hours of operation of the undertaking are reduced and all other factors remain constant, output diminishes and the cost of overhead charges per unit of manufacture increases correspondingly. Similarly there would be an increase as a result of the employment of a larger staff, which would entail higher costs for supervision and clerical work and an increase in social charges, etc.

In certain trades account must also be taken of the loss in production necessitated by starting up work, the time taken by the workers to reach the workplace, etc.

The most favourable case from the point of view of increase in overhead charges is evidently that of the continuous process industries, where the change would mean simply that four shifts were employed instead of three. Even here there would be some effect, for example, as a result of the operation of social legislation.

It would be extremely difficult to give figures, but it would not seem to be exaggerated to reckon on an increase of 3 per cent. in the cost of production resulting from the increase in overhead charges.

The ratios given above would therefore be increased to 13 per cent. and 19.7 per cent. respectively.

The whole of the foregoing relates to clause (*a*) of Item II.

In the case dealt with in clause (*b*), in which existing rates of wages would not be increased, there would be simply the increase due in respect of overhead charges, for which the figure of 3 per cent. has just been suggested.

It thus becomes possible to reply to the particular question raised in Item II as to the effect that a reduction of hours of work to 40 per week would have on increasing or decreasing employment and on the labour market. In the first place, it is obvious that since the total number of hours of work done remains the same, there being only a change in their distribution, unemployment would be reduced only to the extent to which hours of work are at present in excess of 40 per week. But there might also be a change in the demand, which would appreciably alter this conclusion. The workers who were obliged to forgo part of their work would not be compensated by the maintenance of their weekly wages to an extent sufficient to maintain their purchasing power in terms of quantities, inasmuch as the cost of production and consequently the selling prices of industrial products would have been raised in proportion.

Further, it must be noted that as regards the economic consequences of the change, the loss of purchasing power suffered by the workers whose hours of work would be reduced would be balanced exactly by a corresponding increase in the purchasing power of the workers who were wholly or partially unemployed and who would again become more or less fully employed.

In any case, however, there would be no increase in demand, though there might be displacements in demand—a matter which is dealt with in more detail in relation to Item IV. As regards orders for export, however, there might be a most dangerous repercussion resulting from an increase in the cost of production on the Belgian market while there would not be a similar rise on the markets of the consumers.

These results, which would be serious for all countries, would be particularly serious in the case of Belgium: in the first place because of the importance of the export trade to Belgian industry, and secondly because the competitive power of Belgium in foreign markets has already been gravely affected by the devalorisation of most other currencies.

III. The drafting of this question is so lacking in precision that it does not seem possible to give any definite answer. Undoubtedly, undertakings in a branch of industry which are prosperous and which have sufficient financial resources would endeavour by every possible means to maintain their former output. They would therefore be driven to enter upon a process of rationalisation carried on at a quicker rate than in normal circumstances, and characterised by the fact that as it would affect at the same time all factories and all branches of production it would result in a tremendous demand for material and lead to the discharge of workers.

IV. The way in which the question is put necessitates a prior examination of the extent to which the cost of production would be affected by the decision taken in regard to wages. It has been shown above that, allowing for the increase in overhead charges, the increase in the cost of production might be taken at an average of about 13 per cent. or 19 per cent. according to whether the undertaking was not or was a continuous process undertaking, these two ratios being reduced to 3 per cent. in the event of existing hourly rates being maintained. It is necessary, also, to consider the repercussions on the general national

economy. The repercussion would seem to consist essentially in the fact that a greater proportion of the total product of labour would go to manual workers, and also to non-manual workers to the extent to which the salaries of the latter were likewise increased. Put briefly, there would be an increase in the remuneration of manual labour owing to the fact that the workers at present wholly or partly unemployed would, on being restored to productive activity, receive wages instead of unemployment benefit, which is necessarily lower. It is clear, however, that the situation of the workers individually would not be improved, and would even be worsened, at all events in the case of those workers whose hours of work had been reduced. In fact, even supposing that these were to retain their present nominal weekly wages, the increase in the price of some of the commodities consumed by them would mean a reduction in their individual purchasing power expressed in terms of the quantities of commodities they would be able to obtain. It is therefore only if the industrial population is considered as a whole that there would be any increase.

What would be the consequence of this state of affairs ? The consequence would be that there would be a greater demand for articles of popular consumption. The opportunities which this increase in demand would offer to those branches of industry which normally supply such articles would vary according to whether the articles in question embodied a greater or smaller quantity of labour. If the quantity of labour is substantial, the increase in the cost price of the articles will also be substantial and may be equal to or even greater than the average increase in wages, and consequently there would be no stimulus to sales. There might, however, be a stimulus in the inverse case, and it is interesting to note that it would be principally in respect of articles imported from countries which had not applied the reform that there would be an increase in purchasing power, and this would be at the expense of articles of home manufacture.

The increase in the income of manual workers would necessarily be provided at the expense of the other classes benefiting by industrial activity (shareholders, members of the staff not affected by the increases, etc.) and the purchasing power of this section of the population would fall as a result.

But this is not all. An increased demand for mass production goods, such as those intended for popular consumption, necessarily entails an increase in plant, modern methods of machine production being particularly adapted to the manufacture of articles of this kind. Extensions of this kind always go beyond the immediate necessities of the moment, so that in a short time it would be possible to satisfy the increase in the demand with the employment of less labour. Moreover, since as has been shown above there would be less demand for the more costly articles which necessitate more manual labour per unit, there would likewise be a diminution in demand in this respect. This double reaction would tend to counteract the re-employment of labour which is the purpose of the proposed change.

All this, of course, presupposes that the foundations of industry will not be undermined by a reduction of its capacity to export. Reference is here made to what has been said above, particularly in the case of Belgium, concerning the deplorable consequences which this situation might entail at least for many branches of production.

On the other hand, factories which were financially weak and not assured of their markets would be obliged to forgo the improvement of their plant. They would fail, and their failure would be a further

cause of unemployment in addition to those resulting from the policy pursued by their more fortunately situated competitors.

Just as the equilibrium between different undertakings might be disturbed by the factors just indicated, there would also be a grave disturbance of the former conditions of competition between the different countries.

V. The effect of a reduction of hours of work on social insurance systems has already been examined in Belgium. The examination shows that there would inevitably be an increase in social charges whenever the rate of contribution by the employers is calculated per head. This is the case in respect of family allowances and of the general pensions law. On the supposition that in order to maintain production the same number of hours of work is distributed over a larger number of persons, the increase in charges due to the two measures of social legislation above mentioned would theoretically be 20 per cent. or $33^1/_3$ per cent., according to whether the undertaking was not or was a continuous process undertaking. Furthermore, the cost of workmen's compensation, which varies in accordance with the size of the wage bill, would be increased in the same proportions as the hourly rates of pay.

VI. Quite apart from questions of a social or economic character, there would be serious technical difficulties in the way of a reduction of hours of work. Among the chief of these may be cited: (1) the number of specialised workers may be too small to permit of the necessary increase in the number of shifts, particularly in continuous process industries; (2) it may be a practical impossibility to put a larger number of workers at work in the working space available (this is particularly the case in the building industry); (3) the whole output may have to go through certain machines, of which there is sometimes only one available, so that it would be impossible to increase the numbers employed or the production in proportion to the reduction in hours of work without incurring quite excessive expenditure; (4) expenses would be increased by the necessity of lighting furnaces and getting up steam for a shorter working day, and this increase could only be avoided by redistributing the weekly hours of work over a smaller number of days, which is far from being always convenient, and may give rise to other disadvantages.

This analysis shows that the proposed reform presents serious risks from the point of view of national economy owing to the increase in industrial costs and the limitation of the possibilities of exportation. Nevertheless, these risks would be substantially diminished if the various States were to agree to adhere jointly to the new regulations and apply them scrupulously. For this reason the Belgian Government will willingly give its adhesion to Draft Conventions for the reduction of hours of work on condition that the principal industrial countries mentioned later in the reply to Question 35 simultaneously ratify them and scrupulously apply them.

Chile

I. The number of employed persons is 1,047,580 and the number unemployed in September last was 60,792.

No legislative measures have been taken for the reduction of hours of work except Legislative Decree No. 113 of 30 June 1932 which is no longer in force as it was enacted for one year only. That Decree merely prohibited the hours of overtime which had been permitted in certain cases in the permanent legislation and made it eɪqɪssod for

employers and workers to agree to a working day of less than eight hours, which is the maximum according to the legislation.

The above-mentioned Legislative Decree had no very marked results in increasing the opportunities of employment.

Apart from that legislative measure, which was only temporary, a certain number of industrial undertakings reduced hours of work because output had been cut down as a result of the fall in consumption or the difficulties in importing raw materials. In some cases the number of working days in the week was reduced with a consequent reduction in staff, or the total number of workers remained the same but the work was distributed over them by means of a system of shifts. This last system, known as " redondilla ", was employed more particularly among dockers and seamen in accordance with Decrees No. 337 of 29 April, No. 451 of 12 June and No. 377 of 15 June 1933.

The purpose and result of these isolated experiments was not so much to increase the possibilities of employment but rather to prevent or mitigate unemployment among those who were already employed and who would have had to be dismissed had no such measures been taken.

II. There can be no doubt that the reduction of hours of work to 40 in the week would have to be accompanied by precautions to ensure that there was a proportionate increase in the rates of remuneration by the hour and by the piece since wages at present are low.

III. It would not appear that there is any danger of the reduction in hours of work leading to a reduction in employment in certain industries except in so far as the financial stability of these industries might be endangered by the increase in the cost of production resulting from shorter hours.

It is perfectly clear that the simplest form of introducing a reduction in the working day would be to maintain the actual hourly wages and piece rates, as this would avoid an increase in the cost of production which would otherwise be certain to occur. On the other hand, such a step would have an almost fatal effect on the individual and family budget of the workers and would reduce their consuming capacity. Both these would be consequences of the reduction in their actual earnings and would have an unfavourable effect on the market and thus prove prejudicial to industry and trade.

IV. Unfortunately, no information is at present available in this country which is sufficiently precise and concrete to enable the influence of a reduction in hours of work (with or without a proportionate increase in hourly rates and piece rates) on the cost of production and on the national economic system to be exactly calculated.

V. Nor have any studies been made of the possible effects of such a system on social insurance schemes, which would certainly not be affected if wage rates were increased in proportion to the reduction in hours.

VI. No information can be supplied on the technical practicability of reducing hours of work as proposed.

Finland

I. It is not possible for Finland to reply satisfactorily to the questions put in the Preamble. No enquiry has been carried out, and the Government is therefore not in possession of the necessary information.

(*a*) The number of workers employed and the number unemployed in industry and allied trades in Finland which would come within the scope of the Draft Convention may be estimated as follows:
1930: 145,000, of whom about 25,000 were unemployed;
1931: 130,000, of whom about 30,000 were unemployed.

(*b*) Average number of hours worked in industry in a period of two weeks in the years 1925 to 1932:

Year	Average number of hours	Number of hours overtime included in the average
1925	92.55	2.5
1926	93.13	3.43
1927	93.23	3.48
1928	93.15	3.43
1929	92.98	2.83
1930	90.78	2.6
1931	88.48	2.05
1932	90.88	2.9

(*c*) As is shown by the statistics given above, the hours of work in industry have been somewhat below a daily average of 8 hours. This reduction has generally been effected by means of a reduction of the hours of work of all or nearly all the workers, either by the reduction of the working week to five days or by shortening the working day.

II. Industry in Finland is hampered by unfavourable conditions inasmuch as it works to a very large extent on credit furnished at a high rate of interest, and because the cost of production is enhanced by the great distances in the country and by other circumstances. In these conditions, a reduction of hours of work to 40 hours a week with the maintenance of weekly wages might, in certain industries, result in a curtailment of present production as being unprofitable, and this in its turn would result in a corresponding increase in unemployment. A reduction of weekly wages proportionate to the reduction in hours of work would lead to still greater difficulties, since in many cases wages might fall below the minimum cost of living, so that the workers would have to be maintained in part at the expense of the community.

III. Efforts have been made in Finland to find employment for workers who are unemployed as a result of the industrial crisis by placing them in agricultural work, more especially by means of land settlement schemes. Particularly in a country such as Finland, where huge stretches of land are still uncultivated, this method seems to be the most appropriate for restoring to productive activity workers in other trades who, for one reason or another, have been unable to secure employment.

IV. As has been pointed out in paragraph 2, a reduction of hours of work would result in an increase in costs of production if the existing rates of wages were increased proportionately. The experience is lacking which would permit of an estimate being made of the extent to which the national economy would be affected if the purchasing power of the workers were increased by reason of the fact that a larger number of worker would be able to obtain employment. The reduction of weekly wages in consequence of a reduction of hours of work might, moreover, be detrimental to production itself, since the efficiency of the workers might be affected by too low a level of wages.

V. Finland has not the experience necessary to permit of a forecast of the influence of a reduction of hours of work on social insurance schemes.

VI. The practical application of a working week of 40 hours would doubtless give rise to certain technical difficulties. Moreover, in the application of a system of rotation, for example, the increase in the number of shifts would give rise to difficulties as regards the provision of housing accommodation for the new workers and the employment of workers in the leading positions with sufficient training in the industry in question.

Latvia

I. The number of workers employed and the number unemployed in the industrial undertakings which would come within the scope of the Convention has been as follows:

	Workers Insured in Sickness Insurance Funds	Workers unemployed
1927	148,288	9,493
1928	161,483	18,096
1929	171,195	12,960
1930	179,636	14,580
1931	168,208	30,105
1932	140,977	31,027

In order to combat unemployment, the average weekly duration of work has been reduced in practice to 46 hours in private, municipal, public and State undertakings, by a strict application of the law on hours of work. The Council of Ministers has also forbidden the working of overtime in State, municipal and industrial undertakings.

In regard to the other points in the preamble, it is impossible to give an adequate reply, inasmuch as no investigation has been carried out in regard to these matters.

Netherlands

I. (*a*) Precise and trustworthy data concerning the number of workers employed in the Netherlands are not available. According to information furnished by the State Insurance Bank the number of worker-units during 1932 was 1,187,984 (a worker-unit corresponds to 300 days' work; two workers who have each worked 150 days are therefore reckoned as one worker-unit). In view of the great number of workers on short time the number of worker-units is below the number of workers actually employed in industry. The figure of 1,187,984 relates to workers employed in industry, commerce, transport and banking who are subject to compulsory insurance. Agriculture is not included.

The total number of workers unemployed in industry and commerce may be estimated at 280,000 on 31 December 1932 and 250,000 on 31 October 1933.

(*b*) According to the results of a sampling investigation carried out in January 1933 and relating to 1,182 industrial undertakings employing

99,849 workers, the position in regard to the hours per week actually worked was as follows:

	Per cent. of the workers
Below 48 hours but above 44 hours	0.33
From 44 hours to 40 hours	2.34
40 hours	4.92
Below 40 hours but above 36 hours	6.54
From 36 to 32 hours	1.15
32 hours or less	3.70
Total working less than 48 hours	18.9

In these undertakings as a whole, therefore, the remainder of the workers, or more than 80 per cent., were working 48 hours a week. Although the scope of the investigation was very restricted these figures may be taken as being of some value in giving a general picture of the position in industry.

(*c*) Statistics are not available as to the methods of reducing weekly hours of work which have been applied in practice. When the investigation concerning the reduction of hours of work was undertaken at the beginning of 1933 the question was asked what method would be preferable in the event of hours of work being reduced. The replies, however, did not lend themselves to being summarised. Undertakings which were absolutely identical in character and which would have had to meet the same difficulties in applying a reduction of hours of work often did not choose the same method. Under absolutely identical conditions one undertaking would express a preference for a reduction of the hours of work per day, another for a stoppage of work during one or more days of the week, and a third for the introduction of lay-off weeks. Certain undertakings chose different methods for different departments.

(*d*) From the information obtained by this investigation it would appear that, generally speaking, the introduction of a shorter working week would not be possible in the seasonal industries. In the case of industries which are really seasonal, there is in fact generally a shortage of workers during the season, so that there could be no question of a reduction of hours of work at that period. In considering the off-season a distinction must be made. Certain seasonal industries (e.g. sugar refineries and jam factories) stop work almost completely once the season is ended, and with one exception do not retain their staff. Others, on the contrary (e.g. furriery, made-to-measure clothing and manufacture of wooden articles) retain their staff throughout the year and in many cases already apply a reduction of hours of work in the off-season.

II. (*a*) In the event of a reduction of hours of work to forty a week being accompanied by a proportionate increase in hourly or piece-work wages, it is to be expected that the resulting increase in the cost of production would lead to a diminution in demand and consequently in production. It is to be feared that in this case there would be an increase in unemployment.

(*b*) While it may be presumed that if existing hourly and piece-work rates of pay were maintained the application of the 40-hour week might in certain circumstances contribute to a reduction in unemployment, it is nevertheless necessary not to cherish too great illusions as

to the practical results which might be secured. The investigation mentioned above shows that even in the event of a general application in the Netherlands of the 40-hour week, the number of workers in industry, taking the position as at 1 February 1933, could be increased only by 5.3 per cent. at most or about 36,000 persons, that is to say, approximately 13 per cent. of the average number of registered unemployed in 1932. The fact that as a result of the disturbed conditions a considerable number of industries are already working less than 48 hours a week naturally affects these figures.

III. The Government is unable to indicate the measures which might neutralise or mitigate any reduction in employment which might take place in industry as a result of a reduction in hours of work.

IV. The Government is not in possession of the data required to reply to the question as to what extent the costs of production and the general national economy would be affected by a reduction of hours of work, according as existing time rates per hour worked and piece-rates were increased proportionately or were maintained at their present level.

Assuming that a reduction of hours of work might lead to the employment of fresh staff, the result might be a diminution of the amount paid out as benefit by the unemployment funds. There might also be a reduction in the expenditure of the assistance authorities (which should not be regarded as a social insurance charge).

Another possible result would be that workers who, having been unemployed, had been exempted from the payment of contributions to an unemployment fund would begin to pay their contributions again as soon as they found employment. A certain increase in the income of the unemployment funds might therefore be expected. The subsidy payable by the public authorities would thus be automatically increased as well.

If, on the other hand, all workers had to work less, as a result of the reduction of hours of work, without receiving compensation, there might be a demand on the funds to furnish compensation. If this were the case, the expenditure of the funds would evidently be considerably increased and it is a question whether this increase might not be greater than the reduction contemplated above.

V. A distinction must be made between accident insurance, sickness insurance and invalidity, old-age and widows' and orphans' insurance. Moreover, the effect of the reduction of hours of work would depend upon whether hourly rates of pay remained at the same level. If the time rates per hour worked were not increased but hours of work were reduced and consequently more workers were employed, the total amount of the contributions due in respect of accident insurance and sickness insurance would not be affected, since these contributions are a fixed percentage of the employer's total wage bill and this total would not have been increased. On the other hand, if hours of work were reduced while time rates per hour worked were increased and a larger number of workers were employed, the total amount of the contributions to be paid for accident insurance and sickness insurance would be increased.

In the case of compulsory invalidity, old-age and widows' and orphans' insurance the contribution is not a fixed percentage of the total wage bill, as in the case of accident and sickness insurance, but is a fixed sum in respect of each worker employed. It follows that in the event of a reduction of hours of work the total amount of the

contributions to be paid by the employer for invalidity, old age and widows' and orphans' insurance would be increased by the contribution due in respect of each additional worker engaged. The contribution is 60 cents a week per male worker aged 21 years or more.

VI. It is not possible to indicate the methods by which a reduction of hours of work to forty a week could be effected in practice.

Norway

Precise information is not available as to the number of unemployed in the various trades in Norway. The number of workers registered at the public employment exchanges for whom work was not available in November 1923 was 39,723 for all trades together, but this figure is too low. The Central Statistical Office estimated the number of persons wholly unemployed in the autumn of 1933 as about 146,000, and this estimate probably still holds good.

Although no detailed enquiry has yet been carried out into the number of hours actually worked in the various trades at the present time, it is clear that the number of hours worked in many undertakings is below the normal weekly duration of forty-eight hours. According to the annual report of the Factory Inspection Service, a fair number of undertakings have reduced the hours of work for workmen and salaried employees by agreement with the workers concerned so as to avoid as far as possible having to dismiss staff. Precise information is not, however, available as to the extent to which recourse has been had to such measures.

No systematic enquiry having been made into the reduction of hours of work in Norway, it is impossible to form a definite opinion as to the extent and the consequences of such a reduction.

In continuous process factories it would doubtless be possible to reckon on an increase in the number of workers organised in shifts, provided that the period of working was not reduced. In general, however, it would not be possible to count on an increase in the number of workers corresponding to the ratio 40 to 48.

At the moment it is impossible to give figures as to the amount of this increase in Norway.

In view of the above-mentioned circumstances, and in the absence of detailed investigations in Norway, it is difficult to form a definite opinion on the main questions set out in the preamble to the Questionnaire, and it would therefore be impossible to deal satisfactorily with the difficult problems raised therein.

Sweden

I. (*a*) According to the calculations made by the Department of Labour and Social Welfare the index figure of employment, which relates principally to industry and employments connected therewith and which gives the percentage of workers employed in relation to the average number registered for the years 1926-1930, was 91 per cent. for the third quarter of 1933. The number of unemployed workers registered with the State Unemployment Commission as being in need of assistance was 164,747 on 1 November 1933. The percentage of members of trade unions who were unemployed at the same date was 19.8.

(*b*) According to an enquiry carried out towards the end of November 1932 by the Department of Labour and Social Welfare, which related principally to industry and employment connected therewith, the average number of hours worked was 43.9 per week. The lowest numbers of hours, namely 26 and 26.2, were worked in iron and other metalliferous mines and in match factories respectively. The number of employed persons working the normal hours, that is to say, 48 or more, was reckoned at that time to be 57.4 per cent.

(*c*) In the course of the enquiry referred to under (*b*) an attempt was also made to secure information as to the methods applied in reducing hours of work, and it was found that a considerable number of systems and combinations of systems was applied, in some cases in succession to the same classes of workers. Leaving aside a few cases difficult to classify, it was found that out of the 42.6 per cent. of workers whose hours of work had been reduced, 24 per cent. were working fewer days in the week, 5 per cent. were working fewer hours per day and 5.2 per cent. were working both fewer hours per day and fewer days per week. Further, a system of temporary laying off on a rotation system was applied to 7.4 per cent. of these workers. A reduction in hours secured solely by the last-mentioned method was in operation for 8.4 per cent. of the workers. A fresh enquiry on the same general lines will very shortly be undertaken and the results will be communicated as soon as possible to the International Labour Office.

(*d*) The reform contemplated would probably present certain difficulties in the case of the seasonal industries, owing to the fact that the season is generally of fairly short duration and that an increase in the staff generally entails extra expenditure.

II. An increase in present rates of pay proportionate to the reduction in hours of work would probably result in increasing the cost of production and so in inducing employers to try to avoid a corresponding increase in the number of their workpeople. Consequently, it would run counter to the object of the proposal for the reduction of hours of work.

III. This point may relate in the first place to the possibility of a compulsory reduction in hours of work resulting in the application of measures of rationalisation and similar measures, which would render a corresponding increase in employment unnecessary. It might therefore be desirable to consider the adoption of a provision which would make the application of such measures subject to authorisation by the State after some form of examination of the question. It does not seem, however, that a provision of this kind could be included in an international Convention.

It is obviously possible to conceive cases where the obligation to reduce hours of work, particularly if it had to be accompanied by an increase in the rate of pay, would create a risk of burdening an undertaking of which the financial position was not very sound to such an extent that the undertaking would be obliged to limit or to cease working. It is not impossible that in order to meet difficulties of this kind it would be necessary to authorise exceptions in such special cases.

IV. A reduction in hours of work with an increase in staff employed would doubtless involve as a rule, even without proportionate raising of rates of pay, an increase in the cost of production due to increases in expenses of a social character, the training of new workers, management and supervision, etc. If, as will probably most often be the case, it were necessary to increase the number of machines or other plant, of workshops

or workers' dwellings, the reform would obviously entail a more or less substantial increase in expenditure. If to this there were added an increase in rates of pay proportionate to the reduction in hours of work, it would hardly be possible, other conditions remaining unchanged, to avoid an increase in the cost of production. The extent to which these results would ensue evidently depends on a number of different circumstances and cannot be foretold.

V. As regards Sweden, where insurance against unemployment has not yet been organised by the State, the contemplated reduction of hours of work would not exercise any appreciable influence on the social insurance schemes.

VI. In a certain number of cases the nature of the work or the conditions in which it is carried out would in practice constitute an obstacle, particularly perhaps in small undertakings, to the reduction of hours of work being compensated by an increase in the number of workers employed. On the whole, however, the reduction appears practicable.

SWITZERLAND

General Considerations

The question of the general reduction of hours of work by means of an international Convention (the 40-hour week) is being discussed at a time when the economic life of the world as a whole and economic relations between the majority of countries are suffering from serious disturbances.

It was at one time hoped that the World Monetary and Economic Conference, held at London, would lead to an improvement in the situation. The International Labour Conference itself declared that it was necessary for the London Conference to unite its efforts with those of the International Labour Conference, with a view to remedying the world economic situation and putting an end to the terrible scourge of unemployment. That hope, as is known, was disappointed. The London Conference did not confer the benefits which had been hoped. On the contrary, new and serious factors of disturbance have supervened since that time, and it may well be asked whether the settlement of the problem of the 40-hour week, the consequences of which are difficult to foresee, should not be postponed until a time when the situation makes it possible to form a more objective judgment.

Since, however, certain circles still recommend an international reduction of hours of work as the best means of remedying, or at any rate alleviating, unemployment, the Swiss Government, though the prospects of success seem to it doubtful, will not refuse to collaborate in discussing any possibilities which there may be of effecting the proposed reduction. It is in that spirit that the replies to the questions contained in the preamble and the Questionnaire are framed.

Preamble

I. (*a*) No general census of workers in employment and unemployed workers has been undertaken in Switzerland since the beginning of the depression. The last general census of undertakings, which also covered the number of workers, was carried out on 22 August 1929. It included undertakings of all kinds, except those in agriculture, forestry and fishing. The results showed that there were 217,792 undertakings employing 1,260,864 workers. The number of undertakings covered by the Factory Act was 8,514, and the number of persons regarded as workers within

the meaning of the Act was 409,083. Since the census was taken, a census of workers belonging to the latter class has been taken each year, not on one single uniformly fixed day, but throughout the year by the factory inspectors in the course of their inspections. Further, the number of unemployed persons who have registered with the employment exchanges has been regularly recorded. A comparison between these two sets of figures throws some light on the development of unemployment, but does not permit of direct comparisons. It must be remembered in particular that the figures of unemployed persons relate to a wider sphere than the figures of persons employed in factories, since they cover the building industry, agriculture and similar occupations, as well as domestic service and the liberal and scientific professions. The figures cannot, of course, throw any light on invisible, i.e. unregistered, unemployment.

The figures for the last seven years are as follows:

Year	Number of applications for employment			Number of persons to whom Factory Act applies
	Annual average	Maximum	Minimum	
1927	11,824	19,370	7,735	366,350
1928	8,380	14,212	5,378	392,357
1929	8,131	16,284	4,399	409,083
1930	12,881	23,045	8,791	391,824
1931	24,208	50,570	14,365	362,735
1932	54,366	81,887	41,441	322,269
1933	67,867	101,111	49,140	314,481

These figures do not include workers on short time, and such workers will be left out of account, since they represent a factor which is not directly related to the problem of the re-employment of the unemployed.

The highest figure is thus that for 1933. The figure of 101,111 registered totally unemployed persons at the end of January of that year represents 8 per cent. of the total number of persons employed in 1929. During the period in question the number of factory workers fell by 20.9 per cent. It will thus be seen that the present depression, which manifests itself by an increase in unemployment, set in very late in Switzerland. Until the last months of 1929, the number of persons employed in factories, which had decreased during the crisis following the war, constantly rose again. The figure for that period was 409,083, the highest ever attained by Swiss industry. It should be noted that certain industries, such as the embroidering trade and also the manufacture of silk and ribbons, had been attacked by a gradual depression even during the war period, and that their position subsequently became steadily worse. Other industries, especially the engineering industry, were constantly expanding, and this provided some degree of compensation. Even before 1930, measures of the kind described by the term "rationalisation" were taken. Such measures began to be initiated some years previously, partly to offset the effects of the introduction of the 48-hour week and partly in order to keep abreast of general technical progress. On the whole, rationalisation was introduced in a moderate way, and Switzerland has suffered from the depression without the phenomenon known as technological unemployment manifesting itself to any great degree.

Since 1930, the falling off in industrial activity has continued, and generally speaking has not yet been checked. It has, however, been somewhat alleviated by means of suitable measures taken by the public authorities on the labour market. The slight improvement which has occurred in the economic situation, and the special measures taken to protect the home market, have also assisted in partially checking the spread of unemployment.

Unemployment has fallen most heavily on the exporting industries, which were directly dependent on the world economic situation. Those industries play a vital part in Swiss economic life, but their markets are to-day very greatly reduced.

The industries which produce for the home market have been better able to defend themselves. They owe this largely to the measures taken to protect them from the competition of foreign industry, which is for various reasons able to produce more cheaply.

(*b*) No enquiry has been carried out in Switzerland in order to ascertain what are the existing weekly working hours and how far these fall short of the normal weekly hours. There has not been time to make such an investigation, and heads of undertakings were so heavily burdened that they could not be asked to carry it out. Some information is, however, provided by the returns which the Social Statistics Department of the Federal Office of Industry, Arts and Crafts and Labour regularly collects from a large number of undertakings representing different branches of the economic activity of the country. The following table shows the percentage figures for 1932 and 1933:

WEEKLY HOURS OF WORK

Year	Under 48 hours		48 hours		Over 48 hours	
	Undertakings	Workers	Undertakings	Workers	Undertakings	Workers
	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.
1932:						
1st quarter	33.4	42.5	53.2	47.2	13.4	10.3
2nd quarter	28.8	36.7	53.2	48.9	18.0	14.4
3rd quarter	28.0	37.1	55.4	51.0	19.6	11.9
4th quarter	35.9	39.6	55.1	52.0	9.0	8.4
1933:						
1st quarter	32.9	35.9	55.3	55.5	11.8	8.6
2nd quarter	27.1	30.5	57.9	56.6	15.0	12.9
3rd quarter	24.5	25.5	59.5	62.4	16.0	12.1

These figures show a slight decrease in unemployment in 1933. The percentage of undertakings and workers having normal hours of work constantly rose, while that of undertakings and workers having less than the normal hours of work correspondingly fell. It is true that the table does not show how far the undertakings in question decreased the number of persons whom they employed, as compared with the normal level. It is, however, clear from a number of observations that this

occurred to a large extent, and that reductions of hours of work have been additional. If there had not been reductions in staff, the percentage of undertakings where hours of work are lower than the normal would certainly have been higher. The above table throws less light on undertakings where hours of work are longer than the normal. The information which it gives on that point, however, confirms a fact shown by experience, namely, that notwithstanding the depression and unemployment certain prolongations of hours of work cannot be avoided. In the case of factories, the prolongations may be due either to permission to increase the normal working-week (up to 52 hours at most) for a comparatively long period (six to twelve months), or else to permission to increase the working-day temporarily by means of overtime, or yet again, to both kinds of authorisation simultaneously. The need for increasing hours of work may be due to various reasons. The most usual cause is undoubtedly the excessively short periods allowed to the manufacturer for carrying out orders and the irregularity in the arrival of work, which is due to the uncertainty of the economic situation and makes it impossible to organise the work satisfactorily. It may be pointed out that the authorities have endeavoured to bring about better organisation by systematically limiting the grant of authorisations.

In a number of small industrial undertakings, the normal hours of work are more than 48 per week, since a Federal Act regulating such undertakings, though contemplated, does not yet exist. In large sections of the handicraft trades, however, the 48-hour week is made compulsory by agreements.

(*c*) As regards the extent to which the length of the average working week has in practice been reduced, either for all workers in an undertaking or by a rotation system (in the latter case, the number of hours for which the undertaking is working is unchanged), no information is available, except for certain individual observations supplemented by information provided by employers.

Great diversity exists in this respect, but the system of a general reduction seems on the whole to be preferred, the undertaking working for five, four or three days per week, and even less in some branches of industry. Employers endeavoured to distribute the available work as equally as possible between the workers. This met the desires of the workers themselves. It was, however, scarcely possible to distribute work which had to be done by specialised workers.

Another system which was tried was the following. The workers were divided into groups which worked alternately, generally on alternate weeks. Hours of work remained as usual or were reduced.

A cement factory and a factory for electro-chemical products temporarily replaced the three-shift by the four-shift system in order to avoid dismissing staff. In an artificial silk factory, a certain section of the staff had to take time off every week in successive shifts. Measures of this kind have no doubt frequently been taken for social reasons, but it is possible that there is also a desire to keep tried and experienced workers as far as possible.

It has already been pointed out that lack of work has led to the actual dismissal of staff. The first to be discharged were, of course, those whose work was least satisfactory, such as older workers and unskilled workers. In undertakings where there was a pension fund, workers have sometimes been retired before the usual age. In other cases, discharged workers have received an indemnity. Wherever possible, unmarried workers were discharged rather than married ones and those who had no families to support rather than those who had families. It must,

however, be recognised that these precautions have not been taken in all cases of dismissals.

Another measure of the kind under discussion which applied in particular to piece or job work was to reduce the quantity of work which the worker had to accomplish. Thus, in the cigar-making trade, the number of cigars to be produced per day was reduced in order to spread out the work. In weaving mills, the number of looms to be served by each worker was reduced, and in gauze factories the number of pieces to be delivered was similarly reduced. The system of replacing workers by others on different days appears, however, to have been practised rarely if at all.

(*d*) Seasonal industries have not remained unaffected by the depression, but this has not resulted in removing seasonal pressure of work.

The building trades (carpentering, brick and tile making and the manufacture of artificial stone), in so far as they come under the Factory Act, and consequently the 48-hour week rule, have always up to now been given a collective authorisation to prolong the normal weekly working hours to not more than 52 per week during the busy season. Hours of work in actual building operations, which do not come under the Factory Act, were frequently fixed by agreements which laid down, for large building operations, a 50-hour week with shorter hours for certain branches. The hours allowed under these agreements were nevertheless generally fairly long.

In 1933, those of the industries in question which came under the Factory Act voluntarily abandoned the prolonged normal working week, although building activity was on the whole fairly great. Thus, in the undertakings classed as factories, the 48-hour week was in general not exceeded.

It should be noted that the Federal authorities have set up a Central Office for the co-ordination of work, the duty of which is to see that building work is spread out over the whole year, so that the slack season may be as short as possible. Moreover, in certain cases the departments which allocate contracts endeavour to avoid the use of excavating machinery, since this replaces human labour to too great an extent.

Other seasonal industries, such as straw-plaiting for hat manufacturing, which is in the main an exporting industry, and certain undertakings which produce tinned fruits and vegetables, have also abandoned the 52-hour week for which they had always applied for an authorisation during the busy season, or have only applied for authorisation for a shorter period than usual.

Chemical dyeing and cleaning undertakings always require to work longer hours during the season, and consequently have up to now been authorised to work a fifty-two-hour week during the busy season on condition that they do not discharge their workers during the slack season. The depression has produced no change in that state of affairs.

II. It is quite clear that the reduction of hours of work to 40 per week with a readjustment of wages, i.e. an increase in time rates enabling the worker to earn as much as previously, would involve a rise in costs of production and consequently in prices. There is a danger that such a measure might paralyse business, unless it proved possible to induce all competing countries to make a similar reduction in hours of work, resulting in a similar increase of prices. Either the undertaking will not increase its staff but will have to pay the same amount in wages although its production is reduced, or alternatively it will increase its staff in order to maintain its output, but in that case its wages bill will increase.

In either case, there is a danger that the employer may try to restore equilibrium by introducing greater rationalisation and thus saving labour, which is expensive. This would simply result in intensifying the technological unemployment for which rationalisation is blamed and which it is desired to combat. Among the numerous undertakings which, owing to existing circumstances, are at present working 40 hours per week or less, it would probably be impossible to find a single one which has been able to continue paying its workers the wages which corresponded to the previous output. Indeed, the contrary is the case. The effect on wages produced by the reduction of hours of work has often been additional to an actual reduction of wages. Would such undertakings now be expected to raise wages ? Such a measure would be extremely dangerous, especially for a country such as Switzerland which has high prices and wages and which lives largely on its export trade. High wages would mean that undertakings working for export would lose their power to compete, and they would profit very little by the increased purchasing power which their old or new workers would derive from high wages, since that increased purchasing power would not act in the field where the undertaking sells its goods. The result would be that the available employment would not be increased but diminished.

It seems doubtful whether the increase in purchasing power brought about by the engagement of additional workers would really produce much effect, since it would scarcely be possible to engage a proportion of additional staff corresponding to the reduction of hours of work. The proportion would probably always be less than it should be to produce the desired effect, for large numbers of undertakings would certainly try to avoid increasing their staff by doing whatever can still be done to increase production, e.g. change of methods and processes, reorganisation, etc. This consideration would seem to show that the question of the reduction of hours of work and the readjustment of wages should not be dealt with by compulsory means, but as far as possible by agreement between the parties.

III. There might be a decrease in the available opportunities of employment as a result of the reduction of hours of work if, in order to offset that reduction, undertakings had recourse to intensive rationalisation with a view to saving labour as far as possible, or if the rise in prices led to a reduction of purchasing power and consumption, and this in turn reduced the sale of goods.

It is difficult to devise any means of avoiding these unfortunate consequences without taking back with one hand what is given with the other.

It is true that increased mechanisation would be likely to stimulate trade to a greater or less extent. In some branches of industrial production, and especially in the manufacture of instruments of production, there would be increased activity which would, to some extent at any rate, make up for the reduction in the labour required. This is what, as was stated at the beginning of the present reply, took place in Switzerland up to 1929. However, the industries in which rationalisation took place would, owing to the fact of rationalisation, be able to absorb little additional labour.

In the view of the Swiss Government, it is impossible to put a stop to technical progress or to make it subordinate to Government authorisation. Technical possibilities are still far from being exhausted, and they cannot be foreseen. The utilisation of the resources of energy

in the world may lead to the adoption of methods of which no idea can be formed at present. Every reservation must therefore be made as regards the future. That does not mean that when far-reaching measures of technical progress come to be applied, it cannot be laid down that the matter must be carefully studied and discussed by those concerned. This includes, in particular, the employers' and workers' organisations and the higher economic authorities of each country.

IV. It is impossible to deal in a few sentences with the complicated problem raised by these questions. All that is possible at present is to discuss certain points briefly.

The reduction of hours of work to 40 per week, from 48 as at present, would, on the assumption that all other conditions remain unchanged, mean an increase of 20 per cent. in the wages bill if wages were readjusted in such a way that the workers earned as much as at present and if staff were increased to the extent necessary to maintain the previous output. The result would be that that part of costs of production which is due to wages, and consequently the costs of production themselves, would increase. The employers' organisations which have stated their views have pointed out that the increase in the costs of production would recur at all stages of the manufacturing process which affect the price, and consequently in the final price itself. Some of them have submitted figures according to which the increase in the cost of production would be 10 per cent., 20 per cent. or even more. To this it would probably be necessary to add the increase in social charges caused by the increase in the number of workers employed, as well as increased expenditure for supervisory staff, tools, workplaces, etc.

It is hardly necessary to emphasise the effect which such an increase in costs would produce on the economic life of a country in which prices have fallen comparatively little since the end of the war. It will be sufficient to draw attention to the special position of Switzerland. In view of its small market and the great extent to which its population exceeds it resources, that country has to depend on its power to compete in the export market. For that reason alone it is obliged to see that prices and wages do not rise higher, especially at a time when an entirely abnormal situation prevails on the world market. Indeed, it is forced to devise expedients, however uncertain, in order to adapt itself to that situation.

Even if hours of work were reduced without any readjustment of wages, the consequence would be a certain increase in costs of production, since the relation between expenditure in general and expenditure on labour would become less favourable. Moreover, it is somewhat doubtful whether in the long run the workers would be contented with wages which had been reduced in this way, and whether they would not try to recover part of what they had lost by collective movements.

V. The only kinds of social insurance which exist in Switzerland at the present time are sickness and accident insurance. Old-age, invalidity and widows' and orphans' insurance, or certain parts of such insurance, exist in certain Cantons only.

As regards contributions and the period of exposure to the risk, which may depend on hours of work, the following remarks many be made.

In *sickness insurance*, the members' contributions are generally collected in the form of fixed contributions, the amount of which does not depend on the insured person's earnings. The contributions cannot

as a rule be fixed in accordance with earnings because many sickness insurance funds include not merely wage earners but also persons working on their own account, and because the regulations fix the daily allowances at a flat rate and not in relation to earnings. Certain funds set up by the employers themselves are the only ones which pay daily benefit fixed in proportion to earnings, and in those cases the contributions are fixed in the same way.

The *accident insurance* system in Switzerland provides compensation for non-industrial as well as for industrial accidents. A reduction in hours of work reduces the time during which industrial accidents may occur, but lengthens the time during which the worker is at leisure and is exposed to the risk of non-industrial accidents. Both in the case of non-industrial accidents, the risk of which is borne by insured persons and the Confederation, and in the case of industrial accidents, the contributions are calculated according to earnings. Since, if hours of work are reduced, the risk of non-industrial accident becomes greater, while wages at the best remain the same, an increase in contributions for this purpose will become necessary. This will mean increased charges on the worker. On the other hand, as far as industrial accidents are concerned, a reduction of hours of work and consequently of the time during which the risk exists will lead to a reduction in charges, the extent of which cannot be stated.

The Swiss Federal Bill concerning *old-age and widows' and orphans' insurance* provided for fixed contributions at a flat rate. The same system is followed in the laws on the matter which exist in certain Cantons. The system under which benefits vary with the insured person's income is unknown in Swiss law.

It is, however, clear that if the reduction of hours of work involves a decrease in the income of the insured person, it will be more difficult for him to pay the contributions. A reduction of contributions may, it is true, be expected as far as industrial accidents are concerned, but this will not benefit insured persons, as in Switzerland the contributions for this kind of insurance are paid entirely by the employer. In any case, however, whether wages remain as at present or are reduced, a reduction of hours of work will mean an increased charge on insured persons as far as non-industrial accidents are concerned.

VI. In the case of normal daywork in undertakings which do not produce for direct daily consumption, a convenient means of applying the reduction of hours of work would be to introduce the five-day week from Monday to Friday with an eight-hour day, no work being done on Saturday or Sunday. Even under the 48-hour week system, the five-day week has been introduced in some cases and has generally been welcomed by the workers. It is in particular much appreciated by women who have to do their housework in addition to carrying on their occupation. It gives them adequate time for their domestic duties. A free working-day during the week is, however, also very useful for those workers—and in some districts they are fairly numerous—who supplement their income by cultivating a small plot of land. On the other hand, it must be remembered that the five-day week is likely to encourage what is known as *Schwarzarbeit* or "black" work, namely, work which wage earners perform in their spare time for other employers or private individuals and of which other workers are thus deprived. From that point of view the system presents certain disadvantages.

The five-day week with an eight-hour day would be the most convenient system in cases where the nature of the process is such as to require a certain minimum number of hours per day. This applies, for instance,

to undertakings which work with boilers and furnaces, or in which a comparatively long time is required to start the process. A week of five days and 48 hours gives a day of 9 hours 36 minutes. With a 40-hour week, the day will only be one of eight hours. It may be presumed that in order to restore the equilibrium, or in other words to allow the undertaking to work a sufficiently long time, it would be necessary to make increased use of the system under which groups of workers follow one another at intervals during the day, and also of the shift system.

Those undertakings which produce goods for the daily subsistence of the population, or which provide for other daily needs, will be unable to dispense with the six-day week. If no work is done on Saturday afternoon, the working-day might then be one of seven hours for the first five days of the week and five hours on Saturday. If working hours were the same on each of the six days, the working day would be less than seven hours. The need for increasing the period during which the undertaking is at work by the means mentioned above would undoubtedly be felt still more strongly in these cases.

The system of introducing additional workers to keep the undertaking going for six days, while the weekly hours of each worker were 40, would have little chance of general adoption. Disturbance is often caused by introducing substitute workers, and often this system is rendered quite impossible because the process which has been begun, or the machine, cannot be entrusted to anyone else if the work is to be done satisfactorily.

The 40-hour week with six working days would mean a very short working day, and it may be questioned whether it would not be necessary to allow a 42-hour week as in the case of operations which are necessarily continuous. In any case, the contemplated regulations should provide the greatest possible elasticity as regards the arrangements of the weekly working hours which would be allowed.

Where successive shifts are worked, the 40-hour week can be applied comparatively easily if work is only done on five days. This means that whether the two or three-shift system is used each worker performs five shifts of eight hours each. This arrangement is generally possible wherever the nature of the process does not require uninterrupted service.

Where work has to be carried on during the sixth day and is only stopped on Sunday, matters are not so simple. It would be possible to adopt the system of four shifts of six hours each every 24 hours, but that would mean that the worker only did 36 hours per week, which would not fail to affect his wages. In such cases, it would thus also be necessary to work 42 hours per week. If the shift were of seven hours, it would then be possible to arrange for uninterrupted service by three shifts in each 24 hours, suitable breaks being allowed between shifts. Even to-day, under the system of three eight-hour shifts, half-an-hour's break per shift is often allowed. This brings actual working-hours to 7½ per shift and 45 per week. It is true that under the system mentioned above, the amount of additional labour absorbed would not be very large.

The system which seems likely to present the fewest difficulties in cases where service is continuous, even on Sundays, is the system of four six-hour shifts. The workers' hours would be 42 per week and the introduction of a fourth shift would make it possible to employ more labour without, as a general rule, any need for the extension of premises and equipment.

Yugoslavia

I. (*a*) The present degree of economic activity, as indicated by the number of workers employed and the number unemployed, is as follows:

According to the statistical data supplied by the Central Workers' Insurance Institute in July 1933, the number of insured workers amounted to 521,177. All persons employed under a contract of service, with the exception of agricultural workers, are required by law to insure; in addition, miners, and persons employed in the transport services of the State railways, are separately insured. The number of railway workers insured with the Welfare Fund of the Ministry of Communications was approximately 65,000. The number of persons employed in mining undertakings (workers, foremen, officials), insured in March 1933 was 68,610. The total number of workers in employment at the date referred to was therefore 624,787.

To this number must be added the agricultural workers employed in the Danube-Banovine region, the number of whom according to statistics furnished by the Central Secretariat of Workers' Chambers was 120,000.

The fluctuations of demand and supply of labour can be followed closely from the statistics and other information supplied by the public employment exchanges, whose duty it is to compile statistics of the number of applications for unemployment relief and from the information concerning the number of insured persons supplied by the Central Workers' Insurance Institute. It must, however, be noted that the statistics supplied by the public employment exchanges do not give even an approximate idea of the actual number of unemployed, since, under present conditions, their functions are confined to dealing with applications for relief. Moreover public employment exchanges have not yet been established in all towns in the Kingdom; there are, at present, only 31 public employment exchanges, set up in the chief industrial centres and certain important railway junctions. The information supplied by employment exchanges does, however, convey a more or less accurate idea of the applications for relief resulting from unemployment.

According to these data, there were 145,277 workers registered in 1930; this number increased to 247,780 during 1932, equivalent to an increase of 100,000, taking 1930 as a basis. The statistics for 1933 show that the number of registered workers was only 20,451; and this number has been further reduced owing to the fact that many workers are no longer entitled to relief from public employment exchanges. Moreover, the uncertainty of the industrial situation has obliged the majority of unskilled workers to go back to the country districts.

According to the statistics supplied by the Central Social Insurance Office, the average number of insured workers in 1930 was 631,181; during 1932 a considerable decrease occurred, so that the total number insured was only 536,526, though the average number had been 609,190 in 1931. A decrease of nearly 100,000 in the number of insured workers therefore occurred between 1930 and 1932. Taking June in each year as a basis, because the number of insured persons is generally highest at that period, it will be seen that the proportionate decrease in the number of insured has been more or less constant.

July	1930,	number	of	persons	insured	647,752
,,	1931	,,	,,	,,	,, ...	638,353
,,	1932	,,	,,	,,	,, ...	549,806
,,	1933	,,	,,	,,	,, ...	521,177

The data supplied by the Central Workers' Insurance Institute show that no marked improvement occurred during 1931.

The information furnished by public employment exchanges might give a different impression; but there can be no doubt that the position has in fact become considerably worse. In this respect the information supplied by the Central Workers' Insurance Institute gives a much more accurate picture of the fluctuations in the number of workers employed, for the decrease in the number of workers registered with public employment exchanges may be due to a variety of factors other than actual employment.

Further, to the 100,000 shown to be unemployed by the information supplied by public employment exchanges and the Central Workers' Insurance Institute must be added the number of unemployed miners and transport workers. At the end of 1932 the former numbered approximately 5,000 wholly unemployed, according to information supplied by the Central Committee for the relief of unemployed miners and iron workers; while the number of persons discharged by railway and transport undertakings amounted to some 10,000. Lastly, a considerable number of unemployed agricultural workers, which at the conclusion of the season amounted to 60,000, must be included in the total.

On the basis of the above data, the total number of unemployed persons may be estimated at 200,000.

Even this figure is far from showing the full extent of unemployment, in view of the impossibility of finding a market for agricultural produce and the great decrease in all other branches of economic activity. The result has been that a large proportion of the entire population are at present without the means of earning a minimum livelihood and have been reduced to going without many of the most elementary necessaries of life, a condition of affairs which is common in the agricultural countries of Central Europe and the Balkans.

In order to obtain an accurate idea of the state of the labour market, the increase of population must also be taken into account. The State census figures for 1921 and 1931 reveal an increase of 1,946,007, or 16.24 per cent. It is obvious that such a considerable increase has not been without effect on the number of persons seeking employment in all branches of economic activity.

Emigration and immigration are other factors which exercise an important influence on the internal labour market. The following figures dealing with continental and oversea emigration respectively show that there has been a steady decrease in emigration, accompanied by a corresponding increase in the number of persons repatriated. Oversea emigration movements were as follows:

Year	No. of Emigrants	No. of Emigrants returned
1920	6,279	41,167
1921	12,965	—
1922	6,086	—
1923	11,473	1,981
1924	19,575	5,244
1925	17,643	5,691
1926	18,230	5,554
1927	21,976	5,753
1928	21,789	5,827
1929	18,189	5,992
1930	13,560	7,607
1931	4,808	8,089
1932	2,454	6,031

Continental emigration was as follows:

Year	No. of Emigrants	No. of Emigrants returned
1927	6,560	—
1928	12,538	—
1929	19,425	—
1930	25,409	5,992
1931	10,560	7,607
1932	6,642	8,209

(*b*) and (*c*) According to the provisions of section 6 of the Workers' Protection Act, hours of work in industrial and mining undertakings are fixed at eight per day or 48 per week. All establishments in which 15 persons were employed during the last quarter of the year are classified as industrial undertakings. Working hours in workshops and commercial establishments vary from eight to ten. The above provisions are given effect in detail by the Order of 16 April 1929, which fixes the daily hours in various trades according to the nature of the work.

The prevailing industrial depression has resulted in employers themselves reducing the working hours below those fixed by law. According to reports from the factory inspectors this reduction has been as follows:

Except in a few industries, notably the textile industry where the legal working hours have been maintained unaltered, hours of work have been reduced in most branches of industrial activity. Reduction has been effected in several different ways.

(1) In the majority of cases, work is done on four or five or, in some cases, only three days a week. This has resulted in reducing the total number of working days, working hours remaining unaltered; and wages have been reduced in proportion to the total reduction of working time. (2) In certain cases, e.g. the lumber industry in the Drina Banovine and the milling industry in the Danube Banovine, six days a week are still being worked, but the working day has been shortened to six hours and in some cases less. (3) In certain industries work is carried on in shifts without the weekly working hours being reduced. For instance, in glass works, it is carried on in two shifts, working and resting alternate weeks.

(*d*) Section 8 (8) of the Workers' Protection Act provides that " for undertakings which carry on work only at particular seasons and are affected by variations in the temperature, the hours of work may be fixed at will, subject to any restrictions which may be imposed by the Minister of Social Affairs and Public Health in consultation with the Minister of Commerce and Industry. "

The Minister of Social Affairs and Public Health has in virtue of these provisions authorised the following classes of undertakings to work ten hours a day: brick works; lime kilns; fish canning; the building trade. According to information supplied by the factory inspectors, these classes of undertakings work up to the legal limit.

II. The reduction in working hours which has occurred in certain industries has entailed two consequences:

(1) Wherever a reduction in working hours has occurred this has been accompanied by a corresponding reduction in daily wages.

(2) The reduction in total working time, due either to a shortening of the working week or the working day, or to the introduction of a shift system, has made it possible to continue employing a considerable

number of workers who otherwise would have been discharged owing to the reduction in output. There have also been cases, particularly where daily working hours have been reduced, in which wages have been lowered in order to enable undertakings to continue employing as large a number of workers as possible. The reduction in working hours has therefore had a favourable effect on employment, but has resulted, to some extent, in lowering wages.

III. In some cases workers have been employed on provisional work of a secondary character with a view to providing them with employment when ordinary work was not available. Workers in the brick making industry, for instance, have been employed in excavation work and the preparation of raw material for future orders; while skilled workers in sugar factories have been employed on work of a secondary character to prevent their remaining unemployed.

IV. Generally speaking, present conditions have resulted in a reduction in wages corresponding, in most cases, to the reduction of working hours. This has avoided an increase in the costs of production, and has made it possible to continue employing workers who would otherwise have been discharged owing to lack of orders. It would be difficult to secure any increase in daily wage rates, since employers complain increasingly that no profits are being earned, and any increase in wages would involve an increase in the cost of production. Taking these various factors into consideration, the present policy is to continue employing as many workers as possible, so as to provide them with the minimum means of livelihood. As regards the influence of wages on the national economy, it is undoubtedly an important factor; but it must not be forgotten that an expansion of purchasing power would depend mainly on the increased purchasing power of the agricultural population, owing to the economic structure of the country.

V. The reduction in the number of working days in the week and the corresponding reduction in the wages earned has had an appreciable reaction on the workers' insurance system. A reduction of hours could only have failed to affect the finances of the insurance schemes if the reduction in daily working hours had not been accompanied by a corresponding reduction in wages or in the number of working days.

VI. The introduction of a 40-hour working week would encounter certain practical difficulties, since it is frequently impossible to employ a greater number of workers than those normally employed with the usual working hours, having regard to the space available in the undertaking and the machinery installed. In the building trade, for instance, an enquiry carried out by the Ministry of Social Affairs and Public Health in March 1933 as to the possibility of reducing working hours in that industry showed that a reduction of this kind would involve great technical difficulties, namely: (*a*) the nature of the work itself prevents the employment of a greater number of workers within a given space; (*b*) it is impossible to organise work in such a way that a second shift would have sufficient time to carry out its work, since building operations must necessarily be done in the daytime; (*c*) building work is carried on only during the summer season, in order to take advantage of daylight, and climatic conditions therefore constitute an important factor.

II. — Desirability of International Regulations

1. Do you consider it desirable that the International Labour Conference should adopt, by way of Draft Convention, international regulations for reducing hours of work ?

Austria

1. The problem of reducing hours of work in order to combat unemployment has for some years past been the subject of the liveliest controversy. Many well-known economists and leaders in economic affairs have closely examined the problem, and a very voluminous literature has been devoted to it, but, in spite of the detailed examination to which it has been subjected, no agreement can yet be said to have been reached between the opposing views. This fact in itself must give rise to some doubts, and in addition it must be recognised that the problem penetrates much more deeply into the essentials of the economic system than any that have hitherto been dealt with by the International Labour Organisation. The regulations adopted by the International Labour Organisation up to the present have been primarily measures for the protection of workers in the narrower sense, being measures designed to improve the conditions of employment of the individual worker and of the working class as a whole, to protect the worker against injury to his health, or to mitigate the consequences of such injury, etc. Generally speaking, it has up to the present been a question of giving international recognition to the social claims put forward by the working class, which in most civilised States have been or are on the way to being given satisfaction, even if not always in the same way or to the same degree. The present case is quite different. Here the economic aspect of the problem is so much in evidence that it must be regarded as being economic rather than social. Even admitting the argument adduced in support of the social claims of the working class that the economic system can adapt itself without injury, after a temporary disturbance of its equilibrium, to the new conditions created by the satisfaction of such social claims, this argument falls to the ground in any discussion of the problem now under consideration, which is predominantly economic. The conditions governing production, the degree of technical perfection achieved, the organisation of productive undertakings, the productive capacity of the workers, their habits and standards of living, all differ too widely from country to country for it to be possible to count on an automatic restoration of equilibrium in the world economy within any predictable time if hours of work were reduced to forty or forty-two a week. No less serious are the differences in the general capacity of the employers, the amount of capital available, the rates of interest on capital borrowed, etc. The reduction of hours of work would therefore have different results in different countries. It would entail a serious disturbance in the conditions of competition between countries, and, above all, it would react most unfavourably on those countries that are poor in natural resources. In the opinion of the Austrian Government, the problem of unemployment, a remedy

for which should be sought, it is suggested, in a reduction of hours of work, can be solved only if it is approached from the standpoint of world economics, and calls primarily for economic measures based on due consideration of the interdependence of States in the world economic system. The rudiments of a world economic policy exist, it is true, but they are still so little developed that it is impossible yet to speak of a real world economic policy. In most cases economic policies are still decidedly national in character, and so far there is no indication of any abandonment of this tendency. All these considerations must give rise to well-founded doubts as to whether a reduction in hours of work can be regarded as an appropriate means of combating unemployment. The Austrian Government, therefore, cannot pronounce in favour of international regulations on the reduction of hours of work, whether in the form of a Convention or of a Recommendation. This statement furnishes in itself a reply to Questions 1 to 7.

The Austrian Government makes its observations on the remaining points of the Questionnaire subject to the views expressed above.

Belgium

1. Regulations for the reduction of hours of work can only be really effective if they are in the form of a Draft Convention.

Bulgaria

1. The reply is in the affirmative.

Canada

Manitoba

1. The reply is in the affirmative.

Saskatchewan

1. The reply is in the affirmative.

Chile

1. The reply is in the affirmative. International regulations for the reduction of hours of work on railways are considered necessary, but the reduction could not be applied until the general depression is over, since the majority of the undertakings, with the exception of the State railways, have considerably reduced their services (the railways in nitrate and mining areas have only a third of the average traffic for the last three years).

Denmark

1. Yes. The Government considers that the reduction of working hours is a measure capable of diminishing unemployment, and that an endeavour should be made to effect a reduction by framing an international Convention.

The Government has introduced a Bill for this purpose into Parliament, which aims, provisionally, at establishing a forty-hour week in a limited sphere. This Bill, a copy of which is attached, provides that on works undertaken by the State for the purpose of combating unemployment, and on works undertaken by municipalities or private persons for the same purpose with the assistance of the State by way of loans or other grants, working hours shall not exceed forty per week. Where, however, this is justified by technical or economic reasons, the Minister of Social Affairs may decide that the reduction of hours may be limited to the establishment of a forty-two hour week, or extended to the establishment of a thirty-six-hour week. All work subject to a reduction of working hours shall be remunerated at the rates fixed by collective agreement for similar work or, in the absence of a collective agreement, at the customary rates prevailing in the district.

Finland

1. The present efforts to secure a reduction of hours of work have been occasioned by the amount of unemployment existing and inspired by the fact that technical development permits of a reduction of hours. Without going into questions of principle, it is necessary for a country such as Finland to point out that these two justifications for a reduction of hours of work apply with widely different force in different countries and even in the various trades and various undertakings of a single country. It follows that, if a reduction of hours of work were to be secured, a uniform and compulsory regulation applicable to all countries and to all undertakings in the same way would, in fact, constitute an injustice in those cases where the above-mentioned conditions justifying a reduction of hours of work either do not exist or exist only to a certain degree.

In Finland, for example, where formerly unemployment was definitely seasonal in character, it has continued to be mainly seasonal, and industry properly so called is little affected by it. Consequently, a voluntary reduction of hours is somewhat rare in Finnish industry, as is shown by the statistics already given concerning the average hours of work in industry.

Moreover, the conditions of production in Finland differ from those in countries that are more highly developed industrially. Technical development in this country, save in a very few industries, cannot be compared with that in the other countries referred to, and the absence of raw materials, the shortage of capital and the high rate of interest, as well as the cost of transport, contribute to increase the cost of production in industry and to make it less profitable than in most of the other industrial countries. These unfavourable factors are not even compensated by the fact that the level of wages in this country is not as high as in certain more highly-developed industrial countries.

Having regard to the fact that, in spite of all the efforts that have been made, it has not been possible to secure general ratification of the Washington Convention on hours of work, probably because it imposes the same conditions with too much rigidity of detail on all countries, it does not seem opportune, for the same reasons, to adopt a general and detailed international Convention designed to secure still further reduction of hours of work. It would therefore seem more appropriate to be content with an international Recommendation, but if, nevertheless, a general international Convention on this subject should be adopted, it would be necessary to allow the various countries to make exceptions in accordance with the special conditions of the country.

France

1. A reduction of hours of work certainly has an effect, at any rate temporarily, upon the cost of production. This is obviously the case if it is stipulated that the same daily wages are to be paid for a reduced number of hours of work. The effect is likewise felt even if there is no stipulation of the kind. This was clearly brought out by the investigations made in France when the legal maximum length of the working day was reduced in 1900 from 11 hours to 10½ hours and in 1902 from 10½ hours to 10 hours, in accordance with the Act of 30 March 1900. That Act did not stipulate that daily wages should be maintained, but there was nevertheless a very marked tendency for wages to be maintained at the former levels despite the reductions of hours.

In these circumstances it is desirable, in order to avoid placing at a disadvantage the countries that reduce the legal limit of hours of work, that the reduction should be brought about by an international Convention effectively binding all the countries in economic competition with one another. A mere Recommendation, which would not impose a strict obligation on all countries, would not offer the same guarantees and would hardly permit of the general adoption of the measure.

India

General Considerations

From the point of view of India, the introduction of a 40-hour week in industry is entirely impracticable. With the exception of the jute mill industry, which has adopted temporary measures for restricting production, no industry of importance is working hours approaching that limit, while the weekly hours in the majority of seasonal factories and a large number of other factories are in the neighbourhood of 60 per week. Generally speaking, moreover, the efficiency of the Indian worker has not reached a point which will enable him to produce enough in 40 hours to secure an adequate living wage; so that any attempt to reduce hours to the extent proposed would militate against the interests of the worker himself. The Government of India do not think it necessary therefore to discuss the specific points mentioned in the preamble.

Viewing the question in its wider aspects, the Government of India do not desire to contest the view that an international reduction of hours would tend to alleviate unemployment. But they do not think that the adoption of a Convention or Conventions on the lines suggested is likely to secure concerted international action in this direction. On the contrary, there are clear indications that a Convention of the type suggested is not likely to secure any wide measure of support. The Government of India would draw attention again to the fact that only 11 ratifications of the Washington Hours Convention have so far been registered. It is in their view obvious that if the great majority of the countries have found it impracticable to bring their legislation into line with the standard set at Washington they will find it impossible to adopt within any reasonable period of time the proposals now put forward.

It may be urged that an International Labour Convention, even if it is not widely ratified, serves a useful purpose by its influence on public opinion. That some influence is so exercised is probable; but the adoption of Conventions which are not ratified by any large pro-

portion of the States Members is a constant source of weakness to the organisation; and the increase in the number of such Conventions has already gone far to diminish the influence of the Conference on public opinion. The Government of India are strongly of opinion that Conventions should not be adopted unless there is a definite prospect of their ratification by a large number of countries. If the aim in view is not the immediate adoption of an international standard but the gradual conversion of public opinion, a Recommendation or a Resolution is the more appropriate medium.

1. For the reasons given in discussing the preamble, the Government of India are opposed to the adoption of a Draft Convention relating to the reduction of hours of work of the kind contemplated.

Italy

1. In the opinion of the Italian Government it is desirable that the International Labour Conference should adopt international regulations in the form of a Draft Convention for the reduction of the normal hours of work.

Latvia

1. The Government is in principle in favour of the adoption by the International Labour Conference of international regulations in the form of a Draft Convention designed to reduce hours of work and ensure the participation of the workers in the benefits of technical progress with a view to providing a remedy for unemployment.

Netherlands

1. In its reply to the questions put in the report of the Tripartite Conference held on 10-25 January 1933, the Government intimated as its provisional view that it would be opposed to a Convention intended to reduce hours of work in order to diminish unemployment. This is still the point of view of the Government. In view of the great differences in the structure of various industries, and even of the various undertakings in the same industry, the Government cannot agree that a general regulation concerning the reduction of hours of work would contribute to the diminution of unemployment.

Norway

1. It is understood that the reduction of hours of work is put forward as a measure which may mitigate the consequences of unemployment, and it would be desirable to secure international regulations on the subject. Having regard, however, to the fact that the Conventions on hours of work already adopted have not been generally ratified, the conditions do not seem favourable to the general ratification of a new Convention on hours. This view is confirmed by the attitude so far taken up by certain important industrial countries in regard to the proposed Convention. If the attitude of these countries remains unchanged, it is to be feared that any Convention that might be adopted

to deal with this question will suffer the same fate as the earlier Conventions. For many reasons this result is not desirable. Light will probably be thrown on the attitude of the various countries and on the prospects of ratification at the International Labour Conference in 1934. Provided that the Draft Convention secures general support, including that of the important industrial countries which seem to have been opposed to it up to the present, the Norwegian Government will not object to the adoption of the Convention. This must, however, be subject to the condition that the Convention is drafted in such a manner as to be applicable in Norway.

Poland

1. The reply is in the affirmative.

Spain

1. Having regard to the conditions in which the problem presents itself the decisions taken by the International Labour Conference should certainly be in the form of a Draft Convention so as to provide a basis for international regulations to secure a reduction of hours of work.

Sweden

1. Objections have been raised in various quarters to the proposed reduction of hours of work, either because of doubts as to whether such a measure would be effective or because it was thought that it would be bound to have inconvenient results in certain respects. Nevertheless, as no measure capable of producing appreciable practical results should be neglected in the struggle against the unemployment now prevailing, the Government feels that it should give its support to the proposed reform.

In order to ensure the general and effective reduction of hours of work that is necessary, the international regulations on the subject should take the form of a Draft Convention.

Switzerland

1. The Swiss Government cannot declare itself in favour of a reduction of hours of work by way of an international Convention except on condition that all the industrial countries with which Switzerland has to compete on the world market bind themselves to introduce a similar reduction. It feels great apprehension as regards the effect which such regulations might, in the absence of that condition, involve for the economic life of the country.

The Swiss Government fully understands that it is possible to support the reduction of hours of work by way of an international Convention if it is believed that this would provide a remedy for unemployment and would be accepted and applied by everyone. It is moreover convinced that a Convention laying down clearly specified and binding measures would alone make it possible to achieve the object in view.

YUGOSLAVIA

General Observations

Before replying in detail to the various questions, certain facts must be emphasised:

1. Since it is clear that the present condition of the national economy is one of the causes of unemployment, cyclical unemployment should be combated by both national and international measures. A reduction in working hours may be expedient; but economic and other measures must also be taken to deal with the unemployment crisis.

2. As regards technological unemployment, the position in countries with a highly developed industrial system, where the rationalisation and mechanisation of production have already reached an advanced stage, must first be taken into account. Agricultural countries, where industry is not highly developed and ample supplies of capital are lacking, would find considerable difficulty in applying the Convention.

Taking these factors into account, the Government feels bound to stress what it regards as the principal element in this question, namely, that the reduction of hours of work is a matter that concerns primarily those countries which are industrially developed and which are competitors in the international market. If, in view of this consideration, the Convention is to be acceptable, it should be concluded only for a comparatively short period, and its provisions should be flexible and such as to permit of application in individual countries, in order to avoid the difficulties which have been encountered in securing ratification of other Conventions dealing with hours of work.

1. It is considered desirable that the International Labour Conference should adopt international regulations for reducing hours of work in the form of a Draft Convention.

III. — OTHER GENERAL QUESTIONS

2. Should the Draft Convention be framed with a view to remedying unemployment and also to ensuring that the workers share in the benefits of technical progress ?

3. Should the Draft Convention be drawn up on the basis either

(*a*) that weekly wages and monthly salaries will not be reduced by reason of the reduction of hours of work resulting from the application of the Convention; or

(*b*) that no provision is to be made in the Draft Convention for the maintenance of weekly wages and monthly salaries ?

4. Do you consider that the Draft Convention should make provision for securing the effective application of the clauses included in it in regard to wages and salaries ?

What provisions do you propose ?

5. Do you consider that failing a Draft Convention the Conference should adopt a Recommendation ?

6. Do you consider that the provisions to be laid down in regard to wages and salaries should be included in a separate Draft Convention or a separate Recommendation ?

7. Do you consider that apart from the question of wages and salaries the question of the standard of living should be considered ?
How do you consider that this question could be dealt with in international regulations, and what proposals do you make on the matter ?

8. Do you consider that the Draft Convention should have a shorter period of validity than is normally provided for in the international labour Conventions which have already been adopted, or the same period as these Conventions ?

9. Do you consider that the Draft Convention

(*a*) **should lay down an average weekly limit of hours of work and allow as large a choice of methods of arranging hours of work as is consistent with strict observance of this average; or**

(*b*) **should prescribe a rigid limit for each week ?**

10. Do you consider that the international regulations should be dealt with in one or more Draft Conventions, i.e.

(*a*) **a single Convention applying to industrial establishments, including coal mines, and also to commercial and similar establishments; or**

(*b*) **two Draft Conventions, the one applying to industrial establishments, including coal mines, and the other to commercial and similar establishments; or**

(*c*) **three Draft Conventions, the first applying to industrial establishments, the second to coal mines, and the third to commercial and similar establishments; or**

(*d*) **a number of Draft Conventions, each applying to a given industry, trade or activity ?**

In the last case what industries, trades or activities should be dealt with in separate Draft Conventions ?

AUSTRIA

2 to 7. See the reply to Question 1.

8. As this is not a measure of a permanent character, the period of validity of the Draft Convention should not be the same as that normally provided for in Conventions.

9. With a view to facilitating the adoption and application of the international regulations, it would be desirable to fix the maximum hours of work in as flexible a manner as possible.

10. Separate regulations should be drawn up for industrial establishments, coal mines and commercial establishments.

Belgium

2. The introduction of the 40-hour week is put forward as a remedy for unemployment. It is in that spirit that the Belgian Government gives its adherence to the proposed reform, subject to the reservations and conditions laid down hereafter. The reform would moreover ensure that the workers share in the benefits of technical progress.

3 to 7. The question of wages cannot properly be linked up with that of hours of work. The stabilisation of wages is obviously desirable in itself, but in dealing with it account must be taken of a series of factors—cost of living, charges falling upon industry, etc. Moreover, the question of stabilisation of wages has not yet been the subject of preliminary study such as has been undertaken in regard to the reduction of hours of work. The Government is of opinion that these two very important questions each deserve special and separate examination. It should moreover be borne in mind that the Washington Convention of 1919 is in conformity with this view, for it contains no article regarding the stabilisation of wages and salaries.

8. As has already been said, the reduction of hours of work is proposed as a remedy for unemployment. In the circumstances, the Draft Convention should have a maximum period of validity of three years, and should cease to have effect after that period, for it may be hoped that by that time the economic crisis will no longer be felt.

9. The Draft Convention should lay down an average weekly limit of hours of work and allow as large a choice of methods of arranging hours as is consistent with the strict observance of the average.

10. The international regulations for the reduction of hours of work should be embodied in two Draft Conventions, the first applying to industrial establishments other than coal mines and the second to commercial establishments, for the economic situation and the economic and technical requirements of the two categories of undertakings are not the same. If, however, there should be a majority for including coal mines within the scope of the regulations, they should be dealt with in a separate subsidiary Convention.

Bulgaria

2. The reply is in the affirmative.

3. (*a*) and (*b*) This question should be left to be dealt with by national legislation.

4, 5, 6 and 7. The replies are in the affirmative.

8. The Draft Convention should have a shorter period of validity than is normally provided for in the International Labour Conventions already adopted.

9. The reply is in the affirmative to Question (*b*).

10. The reply is in the affirmative to Question (*c*).

Canada

Manitoba

2. The reply is in the affirmative.

3. There should be a definite relation between wages and cost of living, possibly a minimum wage.

4. Yes, government supervision.

5. The reply is in the affirmative.

6. The reply is in the affirmative.

7. Yes. International supervision.

8. The reply is in the negative.

9. (*a*) and (*b*) The replies are in the affirmative.

10. (*a*) and (*b*) The replies are in the negative.
(*c*) The reply is in the affirmative.
(*d*) The reply is in the negative.

Saskatchewan

2. The reply is in the affirmative.

3. (*a*) The reply is in the affirmative.

4. Yes, severe penalties.

5. The reply is in the affirmative.

6. The reply is in the negative.

7. Yes, based on adequate living in each country.

8. The reply is in the negative.

9. (*a*) The reply is in the affirmative.
(*b*) The reply is in the negative.

10. (*c*) The reply is in the negative.

Chile

2. Both purposes.

3. (*a*) and (*b*) The Draft Convention should contain provisions preventing any reduction in wages or remuneration as a result of the reduction in hours of work.

4. The reply is in the affirmative. The provisions on this subject might lay down that the national law enforcing the shorter working

day should prohibit any agreement to accept wages or salaries lower than those in force at a date shortly before the coming into force of the legislation; this prohibition would remain in effect for a reasonable period and its application would be guaranteed by a system of fines without prejudice to any legal action which might be brought to claim the difference in wages due as a result of a contravention of this stipulation.

5. The Recommendation would be acceptable only as an addition to the Convention.

6. This subject should be included in the Draft Convention or Recommendation itself.

7. It would be extremely desirable for this aspect of the question to be taken into consideration, although it is so complex that it would be difficult to suggest standards which could be applied in practice and could form an integral part of the proposed Draft Convention.

8. The period of validity of the Draft Convention should be the normal one.

9. (*a*) and (*b*) A rigid limit should be prescribed for each week.

10. It would probably be desirable to have four Draft Conventions for industry, commerce and offices, transport undertakings and coal mines, respectively. At the same time, special rules might be laid down within each Convention for given industries or occupations.

The railways should be dealt with in a special Draft Convention in view of the particular nature of many of their services (train staff, etc.), and, as far as possible, special provision should be made for railways which, like the nitrate railways in the north of Chile, are by nature quite different from the lines serving the agricultural districts of the centre and south.

Denmark

2. The reply is in the affirmative.

3. While the Government considers that weekly wage rates and monthly salaries should, generally speaking, not be lowered as a result of a reduction of working hours, it recognises that the laying down of a binding rule on this subject is complicated by a variety of considerations; since, moreover, the inclusion of explicit stipulations to this effect in the Draft Convention would tend to make its ratification more difficult, the Government does not recommend the inclusion of such a provision. It does, however, recommend examining the possibility of including provisions in the Convention with the purpose of ensuring that the decrease of wages due to a reduction of working hours should be compensated by an increase in hourly rates, at all events for those workers in receipt of the lowest wages. These provisions should also be designed to ensure that national legislation for a reduction of working hours should include measures intended to provide, to the greatest possible extent, some other means of remedying the economic consequences of a reduction of working hours in those cases where no pecuniary compensation, or only partial compensation, is granted. Attention might thus be drawn to the possibility of lowering unemployment insurance contributions for workers to whom a reduction of working hours applies, and of utilising the amounts saved by the Treasury in respect of unemployment relief

to make up the loss of earnings entailed by a reduction of working hours, possibly by means of a grant to such workers during a certain transitional period. Individual States Members should, however, be at liberty to select the most appropriate method for dealing with the economic consequences of a reduction of working hours.

4. Yes; but the necessary methods of supervision should be determined by national legislation.

5. Yes; provisions relating to the measures specified under Question 1 should be dealt with by a Recommendation, if they are not included in the Draft Convention.

6. See replies to Questions 3 and 5.

7. See reply to Question 3.

8. The Government considers that the Draft Convention should have a short period of validity since it is intended to cope with a special crisis. The Convention could, moreover, be renewed if necessary.

9. Though undue latitude as regards methods of application might render it difficult to supervise the application of the provisions of the Convention, the Government considers that they should be as flexible as is compatible with the effective enforcement of the main purpose which must be achieved by the Convention.

For this reason, it would be preferable that the Convention should fix an average weekly limit of hours of work and allow a choice of any method of arranging the hours consistent with strict observance of the average.

The Bill above referred to provides that the reduction of working hours shall be either spread over all the days of the week, or confined to one working day by establishing a five-day working week, or effected by the suppression of one working week in six, or by the institution of a system of alternate shifts, or by periodical interruptions of work.

The Government considers that the best method of giving general effect to the forty-hour week would be to introduce a five-day working week (with two consecutive holidays).

10. In view of the extent of unemployment in commercial undertakings and offices and of the fact that these employments are not greatly affected by the regulation of hours through collective agreements or by unemployment insurance, it would be desirable to extend the scope of the international regulations to cover such employment. The Convention should therefore include provisions dealing with industrial and with commercial and similar establishments; but the Government sees no objection to these being dealt with by three Draft Conventions, one for each of the two categories just mentioned and one for coal mines.

FINLAND

2. See the reply to Question 1.

3 and 4. Although it appears desirable that the wages of workers should not be reduced in proportion to the reduction of hours of work, it does not seem possible for the question of wages to be the subject of an international regulation of a binding character.

5. The reply is in the affirmative. See also the reply to Question 1.

6. The question of wages being the vital point in the consideration of a reduction of hours of work, it ought to be dealt with at the same time, but only in the form of a Recommendation. In this connection it must be pointed out that as wages constitute only one element in costs of production, and as measures have not been taken internationally to secure uniformity as regards the other important elements, such as interest on capital, costs of transport, etc., uniformity in wages cannot be established internationally and all that can be done is to ensure that wages are in conformity with the economic conditions of the country and in each case with the dictates of humanity.

7. As regards the maintenance of the standard of living of workers, the reply is the same as to the questions on wages, since this question cannot be separated from the question of wages.

8. If international Conventions on this subject are adopted, and particularly if they are general, they should be of short duration and adopted for a period of three years at most. At the expiration of this period they should be re-examined and consideration given, if necessary, to the question of their renewal.

9. The Conventions should be drafted with as much elasticity as possible, the average hours of work being fixed for certain periods exceeding one week in duration. In order that countries in which the conditions are peculiar may adhere to the Conventions, regard must be had in the drafting of the Conventions to the special conditions in such countries, and wider limits to the hours of work must be allowed in their case. The Convention adopted in 1930 concerning hours of work in commerce might be adopted as a model for the regulation of hours of work, as in this respect this Convention is more practical than the Washington Convention.

10. As a special Convention was adopted in 1930 dealing with hours of work in commerce and offices, and as there is no international competition in this kind of work, it does not seem necessary to include it in the scope of the international regulations. If the unemployment existing in this sphere necessitates a reduction of hours of work, each country can take this step independently.

It would seem more convenient, and would be better adapted to existing requirements, if separate Conventions were adopted for the more important industries. If this method cannot be followed, separate Conventions might be adopted for industry and for coal mines.

France

2. The Government, as was intimated by its Delegate to the Conference in 1933, is of opinion that the Draft Convention should be designed to serve both purposes.

3. It would obviously be desirable to include in the Convention a stipulation that the reduction of hours of work should not in any case be the cause of a reduction in wages. But it is questionable whether such a stipulation would be effective and whether its observance could be checked. Whereas hours of work can be measured in the same way in every country, this is not the case with wages. Nominal wages may remain unchanged but their real value may vary at any

time with variations in their purchasing power and in the currency in which they are expressed. Moreover, as the reduction of hours of work is not the only factor that may affect rates of wages it would be very difficult to ascertain whether any reduction of wages was due to the reduction of hours or to some other cause.

A stipulation of this kind was included in the French Act of 23 April 1919, which provided that: "The reduction of hours of work shall in no case be a determining factor in the reduction of wages. Any stipulation to the contrary shall be null and void." This clause does not appear to have been availed of, doubtless because it applied to a period in which, for quite different reasons, there was a constant tendency for wages to rise.

For these reasons, it does not seem possible to include in a Draft Convention a provision the application of which would be so uncertain and difficult to supervise, both nationally and internationally. It might, however, find a place in a Recommendation.

4, 5 and 6. The replies to these questions are included in the reply to Question 3.

7. The question of standards of living arises only if the question of maintaining wages and salaries is raised. The reply on the former point is included in the reply to Question 3.

8. The reply to this question depends essentially upon the purpose that the Draft Convention is intended to serve. If the purpose is merely to provide a remedy for the present unemployment crisis, the Draft Convention might have a shorter period of validity than usual; but it would be prudent to provide for the possibility of a prolongation of its validity in the event of the crisis not having passed by the time the period of validity expired. If the purpose of the Convention is to provide a remedy for the existing unemployment crisis and at the same time to enable the workers to share in the benefits of technical progress, the Draft Convention should be given the same period of validity as is normally provided for in International Labour Conventions.

9. The Government is of opinion that, in order to facilitate international supervision, the Draft Convention should fix both a daily and a weekly maximum, as is done in the Washington Convention on the Eight-Hour Day. If this is done, the number of hours authorised for the week might be distributed unequally over the days of the week but without exceeding on any day the daily maximum.

10. Being desirous above all things of securing a practical result, the Government is prepared to agree to any of the courses proposed which may be necessary in order to secure support for a Draft Convention or Conventions by the States whose adherence would be necessary to make the Draft Convention or Conventions effective.

India

2 to 4. No reply is given.

5. A Recommendation might be of some assistance in influencing public opinion throughout the world.

6. In view of the reply to (1), the Government of India do not favour a Draft Convention relating to wages and salaries, but if a

Convention is adopted in respect of hours of work, proposals relating to wages and salaries should not be combined with it.

7. The Government of India do not consider that any practical results could be reached by considering the question of the standard of living apart from the question of wages and salaries.

8. If a Convention is adopted, it should have a short period and should contain provisions for its automatic expiry at the end of that period, e.g. three years.

9 and 10. No reply is given.

Italy

2. The Draft Convention should be framed with a view to reducing unemployment and insuring that the workers share in the benefits of technical progress.

3. In view of the difficulty of establishing any international regulation of wages, it seems likewise difficult to regulate the question of the maintenance of weekly wages and monthly salaries in the Draft Convention. If, however, the Conference should consider it necessary to include provisions on this subject in the Draft Convention, it should also include such guarantees as would prevent any possibility of evading the provisions of the international regulations.

4. Among such guarantees, special attention might be given to the question of making the application of the Convention conditional on an undertaking by at any rate the more important States, including the extra-European States, to take the necessary measures simultaneously.

5. If the Conference is unable to agree on the adoption of a Draft Convention, there would be some value in adopting at least a Recommendation, even though the effectiveness of regulations in this form could not be so great.

6. In any case it might be expedient for the decisions of the Conference on the question of wages and salaries to be embodied in separate regulations distinct from those to be adopted concerning hours of work.

7. In conjunction with the question of wages, consideration should be given to the question of the standard of living, so as to lay down the principle that wages should correspond to what is normally necessary for a livelihood, to the possibilities of production and to the output of labour, and to establish the rule that the determination of wages should be effected by agreement between the occupational organisations concerned.

8. As the main purpose of the regulations is to furnish a remedy for the unemployment due to the existing world crisis, the period of validity of the Draft Convention should be shorter than is normally provided for in the other Conventions, in the expectation that economic activity may shortly revive. For this purpose the period of validity might be fixed at two or three years, with the possibility of renewal of the Convention at the expiry of that period.

9. (*a*) and (*b*) The Draft Convention should lay down a maximum weekly limit of hours of work and leave it to national laws or regulations, and more particularly to agreement between the occupational organisations concerned, to fix the methods of arranging and distributing the hours of work within the general limits prescribed by the Convention.

10. The international regulations might conveniently take the form of three Draft Conventions, that is to say, one applying to industrial establishments, one to coal mines and one to commercial establishments and offices.

Latvia

2. See reply to Question 1.

3 and 4. At the present time the Government considers that the question of wages cannot to regulated in a uniform manner for all countries by the international Convention.

5. The reply is in the affirmative.

6. The provisions dealing with wages and salaries should be included in a Recommendation.

7. The question of the standard of living should not be separated from the question of wages.

8. The Draft Convention should have a shorter period of validity than is normally provided for in the International Labour Conventions already adopted.

9. The Draft Convention should lay down the average hours of work over a period exceeding a week. An average weekly limit of hours should be fixed on the same lines as in the Convention adopted in 1930 concerning hours of work in commerce.

10. Since the Convention concerning hours of work in commerce adopted in 1930 cannot be considered as necessarily affecting competition on the international market, it is desirable that the international regulations should deal only with industrial establishments and coal mines, together with classes of establishments connected therewith. It is also desirable that separate Conventions should be adopted for industry and for coal mines.

Netherlands

2. A Convention such as that contemplated by Question 1 ought not in any case to have any other purpose than to provide a remedy for unemployment due to the crisis. It ought, therefore, to be a measure of temporary duration, designed for the crisis period. As regards what is called "technological unemployment", there is so little certainty about the matter—at any rate the Netherlands Government is not in possession of sufficient information concerning it—that this matter cannot be considered as being yet ripe for international regulation.

3. The reply to Question 3 (*a*) is in the negative. The Convention, therefore, ought not to contain provisions dealing with the maintenance of weekly wages and monthly salaries, since, particularly in countries

where rates of wages are high, it must be possible for the reduction in hours of work to be accompanied by a reduction in wages. Any other course might lead to an increase in unemployment.

4. Supervision of the application of the provisions dealing with wages would be extremely difficult. This is a further reason for not including in the Convention the provisions contemplated by Question 3.

5. It follows from the views expressed in reply to Question 1 that the Government is of opinion that there should not be a Recommendation on this subject.

6. The Government is of opinion that provisions concerning wages and salaries should not be included either in a Draft Convention or in a Recommendation.

7. The reply to this question is in the negative. Even in a small country such as the Netherlands, there are great differences in wages and in standards of living. The Government is of opinion that regulation of this matter is not possible.

8. The validity of the Convention should not exceed twelve months as a maximum, since the Convention ought to be purely a crisis measure (see reply to Question 2).

9. The ratifying States ought to have the right to choose freely among all the methods of reducing the hours of work to the number of hours fixed in the Convention. Hence only an *average* weekly limit of hours should be fixed.

10. The more limited the number of activities to which the Convention applies, and the more resemblance there is between them, the less will be the objection to ratifying the Convention. For this reason, regulations such as are contemplated in clauses (*a*) and (*b*) do not seem desirable. Similarly, ratification of a Convention which, for example, applied only to industrial establishments (clause (*c*)) would in many cases give rise to objections due to the difficulties created for certain industries. Regulation in the manner provided by clause (*d*) would therefore be preferable.

The Government is not in a position to name the industries or activities to which the Convention should be applied.

Norway

2. The reply is in the affirmative.

3. Wages are regulated primarily by collective agreements between the organisations of employers and workers. As a rule, the State cannot exercise any direct influence on the settlement of such questions. It does not seem possible to lay down binding rules on the question of wages in an international convention.

4. See above in reply to Question 3. A general fixing of wages and the establishment of a system of control under legal authority would require drastic alteration in Norwegian legislation.

5. Yes, if a Convention is not adopted.

6. The question of wages should be dealt with in the form of a Recommendation that the standard of living should as far as possible be maintained.

7. The drafting of such provisions would doubtless present serious difficulties. The provisions dealing with this matter should, if necessary, be included in the Recommendation above mentioned.

8. The same period of validity as for the International Labour Conventions already adopted.

9. The Convention should be restricted to laying down the average weekly limit of hours of work.

10. It would be preferable to include all the provisions in a single Convention, the text of which should be drafted with as little rigidity as possible. It should be left to the national authorities to determine the special regulations applicable to particular industries.

Poland

2. Yes. The issue raised in this question should be the subject of future consideration by the Conference.

3. (*a*) No. The majority of Governments have not at present any means of regulating the level of wages and salaries, which are determined by various factors in the economic situation. A general provision concerning the maintenance of wages and salaries might be included in the Recommendation.

(*b*) Yes. No provision should be included in the Draft Convention for the maintenance of weekly wages and monthly salaries.

4. No. See the reply to Question 3.

5. No. A Recommendation concerning the reduction of hours of work does not seem to the Government to be an appropriate means of achieving the end in view.

6. The provisions concerning salaries and wages should be included in a Recommendation.

7. The question of the standard of living, as well as that of wages and salaries, should be dealt with in the Recommendation. The provisions relating thereto should emphasise the economic and social importance of maintaining existing wages and salaries, having regard to the necessity for ensuring a decent standard of living.

8. The period of validity of the Convention should be much shorter than is normally provided for in international Conventions. The Government proposes that the period should be fixed at two or three years.

9. (*a*) The reply is in the negative.

(*b*) The Draft Convention should prescribe a rigid limit for each week.

10. The best procedure would be to divide the field to be covered by the new regulations between three Conventions as indicated in clause (*c*), i.e.,

(1) a Convention applying to industrial establishments;
(2) a Convention applying to coal mines, and
(3) a Convention applying to commercial and similar establishments.

SPAIN

2. The principal purpose of the Draft Convention should be to endeavour to remedy unemployment, a distinction being made between abnormal unemployment due to an acute crisis and normal unemployment. Although the provisions on this subject might be different, the Draft Convention might also deal with the possibility of enabling workers by a reduction of hours of work to share in the benefits of technical progress.

3. If the Conference decides in favour of the principle of a reduction of weekly hours of work, the reduction should be so effected as to maintain the standard of living of the workers, regard being had of course to the general economic situation in each country and to any other measures of a purely economic character which may be adopted, nationally or by way of international agreement, in pursuance of more or less general agreements concerning the economic relations between States, the exchanges and the values of their currencies.

4. Certainly; the Draft Convention should provide for supervision of its application by the Factory Inspection Service and for penalties to be imposed for any infringement of its provisions.

5. The Conference ought not in any event to adopt a Recommendation, since regulations in this form would probably not be accepted by many countries which, as a result, would enjoy a privileged situation in the marketing of their manufactures.

6. It would seem desirable that the provisions dealing with wages and salaries should be included in the same Draft Convention as those dealing with the reduction of hours of work. If, however, in view of the importance of the matter and its purely economic character Governments generally were of opinion that it would be better to adopt a special agreement on this subject, this procedure might be followed in view of the necessity of completing the provisions of the main Convention by other provisions closely connected therewith.

7. The question of the standard of living must be examined from the point of view of the cost of maintaining the standard, since in the last resort wages and salaries vary in accordance with the fluctuations in the cost. This question is closely bound up with Question 3, and it does not seem possible to reply separately to the two questions.

8. The desire which may be felt by certain States that the period of validity of the Convention should be shorter than usual might be reconciled with the desirability of giving to the decision of the Conference a certain stability and allowing it to remain in force for a period long enough for the effects of the principle on which it is based to become known. This could be effected by fixing the same period of validity as is normally fixed for other international Conventions, but allowing a certain latitude as regards the period after which the Convention may be denounced by shortening this period and also shortening the subse-

quent period during which the Convention would remain in force unless denounced.

9. An average weekly limit of hours of work should be laid down but with sufficient flexibility to meet exceptional cases in which an extension of the daily hours is required by reasons of *force majeure*, provided that the daily hours should in no case exceed eight.

10. Too much importance should not be attached to the question whether the international regulations should be the subject of one or several Draft Conventions, provided that in the event of a single Draft Convention being adopted, special rules are included in this for each class of industrial, commercial and similar establishments. The reply to the question depends on whether or not it would be possible to examine the whole of the problem at a single Conference. If it should not be possible to cover the whole ground, preference should be given to regulations dealing with the class of establishments most directly affected by the depression and by unemployment. If the Conference should decide in favour of separate Draft Conventions, the procedure previously adopted for other international regulations should be followed and the different kinds of activities should be dealt with separately.

Sweden

2. The reply is in the affirmative.

3. The protection of the workers to the utmost possible extent against a reduction of their earnings resulting from a reduction of the hours of work is of such importance that the Draft Convention should be drawn up on the basis set out in clause (*a*).

4. The Draft Convention should make provision for securing this object. In the absence of experience in this field, however, it is not possible to make proposals for these provisions.

5. The reply is in the negative.

6. No. The inclusion of provisions relating to wages and salaries in a special Convention or a Recommendation might appear to offer the advantage that it would allow States which were not prepared to undertake the obligation to maintain existing rates to adhere nevertheless to the Convention concerning the reduction of hours of work. Nevertheless, the Government feels obliged to oppose the adoption of this procedure, since, while it is of opinion that a proportionate increase in rates of pay should be a corollary to the reduction of hours of work, it obviously could not agree to apply provisions stipulating for such an increase without any guarantee that the countries whose industries compete with those of Sweden would follow the same course. If this matter were dealt with in two Conventions, it would, speaking generally, and in view of the considerations above mentioned, be difficult for the Government to give its support to the reform.

7. It seems hardly possible for an international regulation to deal with the standard of living, which is determined by other factors in addition to the money wages.

8. The Draft Convention should have the same period of validity as is normally provided for in international labour Conventions.

9. The Government is in favour of the alternative set out in clause (*a*).

10. The reply to this question depends primarily on the scope of the proposed regulation, that is to say, on the reply which will be given to Question 11. In the event of the regulation applying to industrial establishments, to coal mines and to commerce and similar establishments, it would seem to be preferable to adopt the procedure of three Draft Conventions as indicated in clause (*c*).

Switzerland

2. The Draft Convention should of course be framed with a view to remedying unemployment or at any rate considerably alleviating it, since that is the origin of the proposal and its justification at the present time. Whether and to what extent that object can be attained is a matter on which opinions differ. Nevertheless, it appears desirable to keep that end in view, especially taking into account what is known as technological unemployment, as a result of which the problem of hours of work may be expected to become still more acute in future.

It is further asked whether the Convention should be framed with a view to ensuring that the workers share in the benefits of technical progress. If that can be regarded as a practical possibility, no one would surely give anything but an affirmative answer. The worker would share in the benefits of technical progress simply by the fact of the reduction of working hours, since such a reduction would give him more time for rest and cultural activities.

3. It is not desirable to include any provisions in the Convention with the object of regulating wages in connection with the reduction of hours of work, although it is comprehensible that the worker should hope to be able to retain his present wages. The problem of wages is different in each country according to economic conditions, living conditions and legislation. Moreover, in Switzerland it is not certain that there is any constitutional basis for legislating on the subject of wages. Besides, in the case of countries such as Switzerland, where wages are high, the economic sacrifice would bear more heavily than on those countries where wages have never reached the same level or where the reduction has been greater. Moreover, the basis for readjusting wages would be entirely different according to whether existing wages were to be regarded as normal or as reflecting the effects of the crisis. There would certainly be a great danger that the provisions relating to wages might be evaded, and it would be difficult to establish any system, either national or international, for their enforcement. The Swiss Government therefore considers that the reply to Question 3 (*a*) should be in the negative and that to Question 3 (*b*) in the affirmative.

4. The Swiss Government's attitude to Question 3 implies its attitude to Question 4. The reply must therefore be in the negative.

5. If the reduction of hours of work is intended to supply a speedy remedy for unemployment, and if it is thought that this cannot be effected in practice unless it is universally accepted, it is undesirable to contemplate dealing with the matter by means of a Recommendation which would not be binding. Switzerland is therefore against the adoption of a Recommendation.

6. The reasons of principle which may be brought forward against adopting international provisions relating to wages are equally valid against laying down provisions of this kind in a separate Draft Convention or Recommendation.

7. While it would be difficult to lay down provisions relating to wages and salaries, it would be still more difficult to attempt to deal with the standard of living. In addition to the difficulties mentioned above, there would be those which arise from differences of climate, race and geographical position. The Convention would be burdened by inapplicable provisions if it included any regulation relating to the standard of living.

8. Since the proposed reduction of hours of work would be a measure adopted in view of the depression, it appears desirable that the Convention should have a shorter period of validity than is normally provided for in International Labour Conventions. The Conference would fix that shorter period of validity.

9. The experience acquired in Switzerland as regards the 48-hour week, applied on a system which is criticised as being too rigid because it is contrary to the system of the weekly average, inclines the Government to take the view that the Convention should leave undertakings free to choose among all methods of arranging hours of work which are compatible with the strict observance of the average. There can be no doubt that if weekly hours of work are further reduced, the need of an elastic system of arranging hours of work will be still more strongly felt. It will be for the Convention to indicate and prescribe the necessary means of ensuring adequate provision and preventing abuses.

10. If the International Labour Conference decides to draw up a Convention, the method to be adopted should not be those mentioned under letters (*a*) and (*b*) but those mentioned under (*c*) or (*d*).

Provided that the application of the Convention in all industrial countries is assured, Switzerland could support the method mentioned under letter (*c*), namely, the adoption of three separate Draft Conventions dealing respectively with industrial establishments, coal mines and commercial establishments.

Possibly, however, it might be easier to arrive at a series of Conventions such as are mentioned under letter (*d*), or, in other words, to establish regulations for different industries or activities taken separately. In that way it might be easier to reach practical results without too much delay. In a certain sense that system has already been applied in one case, that of automatic sheet-glass works. The International Labour Conference is aware of this, since at its next year's Session it will also have to deal with a Draft Convention regulating methods of providing rest and alternation of shifts in undertakings of that kind. It would be necessary to take into account those branches of activity (industry alone is here under consideration) which are already organised internationally by cartels covering more than one country. The following list, which does not claim to be complete, may be given by way of example: artificial silk manufacture; the aluminium industry; the calcium carbide industry; a large part of the chemical industry; linoleum manufacture and the manufacture of electric lamps. The next industries to be considered might be those where mechanisation and the subdivision of labour have been carried to great lengths and also those in

which the price of the raw materials depends on the position of the international market (textiles, metals); finally, gas works, electrical works, and all other undertakings for the production of power.

YUGOSLAVIA

2. The Draft Convention should be framed in the first place with a view to reducing unemployment, and, at least in those countries where the rationalisation and mechanisation of production have reached a fairly high level, also to ensure that workers should share in the benefits of technical progress.

3. The Draft Convention should not contain any provisions dealing with wages; this question, as well as those dealing with the standard of living, should be dealt with by way of a Recommendation. Such a method would facilitate dealing with the problem of the hours themselves and would also facilitate the ratification of the Convention.

4. As stated in the reply to the preceding question, wages and salaries should be dealt with in a special Recommendation.

5. See the reply to Question 4.

6 and 7. The maintenance of the level of wages should be regarded as a necessary condition for maintaining the worker's standard of living. Any lowering of the level would necessarily result in diminishing the purchasing power of the population, which in its turn would aggravate the existing depression. The maintenance of the standard of living is all the more necessary because the wage standard has already fallen to an intolerable extent in consequence of the long-continued depression. It should, however, be left to national legislation to devise measures for maintaining the existing wage standard. The Recommendation should simply require Governments to communicate the necessary information to the International Labour Office, which would present a report to the Conference.

8. The Draft Convention should be adopted as an experimental measure, and should have a shorter period of validity. This would also tend to facilitate the ratification of the Convention.

9. The Draft Convention should lay down an average weekly limit of hours of work, and allow a choice between the methods of arranging hours of work provided for by the Convention. This would ensure that the Convention would be sufficiently flexible, and would make it possible to apply the system of working hours best suited to the practical needs of individual undertakings.

10. International regulations for the reduction of working hours should be dealt with in three Draft Conventions, applying respectively to industrial undertakings, to coal mines, and to commercial and similar establishments and, possibly, also to restaurants and hotels. The adoption of a set of Conventions applicable to different branches of industry could be taken into consideration later, in accordance with the technical developments in industry; but at present the division proposed above would appear to meet existing practical requirements.

IV. — Scope

11. (*a*) What categories of establishments do you consider should be covered by the Draft Convention ? [1]

(*b*) In particular, should the Draft Convention apply to the establishments covered respectively by the three Conventions already adopted on hours of work in industry, coal mines, and commerce and offices ?

(*c*) Further, should the Draft Convention also apply to the establishments which are excluded from the 1930 Convention on hours of work in commerce and offices, i.e.:

establishments for the treatment or care of the sick, infirm, destitute or mentally unfit;
hotels, restaurants, boarding houses, clubs, cafés and other refreshment houses;
theatres and places of public amusement ?

12. What categories of establishments do you consider

(*a*) should in any case be excluded from the scope of the Draft Convention;

(*b*) might be left by the draft to the discretion of the competent authority to exclude ?

13. (*a*) Do you consider [2] that the Draft Convention should contain special provisions—and what provisions—for small establishments ?

(*b*) What criterion do you propose for defining these establishments ? If the criterion should be the number of persons employed in the establishment, what number do you propose ?

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[1] For the rest of the Questionnaire the expression "Draft Convention" is used compendiously to cover the possibility of either one or more Draft Conventions as may be determined by the replies to Question 10.

[2] The following questions in the Questionnaire, apart from one or two dealing specifically either with coal mines or other particular categories of establishments, refer generally to industrial establishments and to commercial and similar establishments. With a view to facilitating the preparation of the Blue Report for next year's Conference, it would be much appreciated if Governments in their replies to these questions would be good enough to indicate clearly, in so far as their replies to Question 11 for example do not dispose of the matter, to which categories of establishments the replies relate, e.g. to industrial and commercial establishments as a whole or only to industrial establishments or only to commercial establishments, etc.

14. (*a*) What categories of persons (e.g. persons holding positions of management or supervision or employed in a confidential capacity) do you consider

(i) should in any case be excluded from the scope of the Draft Convention;
(ii) might be left by the draft to the discretion of the competent authority to exclude ?

(*b*) Should the Draft Convention limit the number of persons to be thus excluded to a maximum percentage of the total staff of the establishment ? If so, what percentage do you propose ?

(*c*) Should the Draft Convention contain a list of the persons to be excluded defined with reference to their duties or occupations ? If so, what list do you propose ?

AUSTRIA

11. Generally speaking, the scope of the regulations should be the same as in the case of the three Conventions already adopted concerning hours of work in industry, in coal mines and in commerce and offices. The establishments excluded from the scope of the Convention of 1930 concerning hours of work in commerce and offices should not be included. Furthermore, postal, telegraph and telephone services and public administrations in general should be excluded. Particular care should be exercised in dealing with commerce, where the conditions are essentially different from those in industry, commercial work often consisting to a not inappreciable extent merely in being in attendance. Moreover, a reduction of hours of work in many branches of commerce might lead to employment by the half-day, with a consequent substantial reduction of earnings.

12 and 13. The non-application of the Convention to establishments employing only a small number of workers cannot be recommended, in view of the variations in the number of workers from time to time in different establishments, of the possibility of transforming larger establishments into smaller ones, and of the fact that it is extremely difficult to enforce rigid provisions in such a matter. Establishments in which only members of one family are employed should, however, be excluded. The special requirements of small establishments certainly should not be ignored and might be met, if no other method is practicable, by allowing them a greater number of hours of overtime for economic requirements.

14. Persons occupying positions of management or supervision, or employed in a confidential capacity, should not be included in the regulations.

BELGIUM

11. The two Draft Conventions should apply to the establishments covered respectively by the two Conventions already adopted by the International Labour Conference concerning hours of work in industry and in commerce and offices. Further, as was the case when the Convention of 1930 on hours of work in commerce and offices was drawn

up, establishments for the treatment or care of the sick, infirm, destitute or mentally unfit, hotels, restaurants, premises for the sale of drink, theatres and places of public amusement, should be excluded from the scope of the Draft Convention dealing with commercial establishments.

12. The Government is of opinion that, in view of their special nature and requirements, transport undertakings should be expressly excluded from the scope of the Convention. Moreover, the competent authority in each country should have the right to exclude all work of such character that the operations involved cannot easily be concluded in the space of one working day, or must be executed without delay; for example, dyeing operations and the handling of materials which are perishable or subject to deterioration. Each country should communicate to the International Labour Office a list of the industries and classes of work excluded from the scope of the regulations by the competent authority.

13. Industrial and commercial undertakings employing five workers or less should be given the benefit of a special exceptional system by allowing them to revert to the limits of eight hours a day and forty-eight hours a week when economic conditions so required. Such exceptions should be subject to the approval of the factory inspection service.

14. Persons occupying positions of management or employed in a confidential capacity should be expressly excluded from the scope of the Draft Convention. Further, the competent authority in each country should have the right to extend this exclusion to persons occupying responsible supervisory posts. The Draft Convention should in any case limit the number of persons thus excluded to 15 per cent. if the undertaking employs less than 100 manual and non-manual workers, and to 10 per cent. if the staff of the undertaking exceeds that figure. It would not be desirable to burden the Convention by including in it a list of such persons, whose titles might moreover vary from country to country.

Bulgaria

11. All establishments with the exception of commercial undertakings, seasonal undertakings employing reapers, harvesters, grape pickers, etc., and restaurants, hotels, etc.

12. All the establishments mentioned in reply to Question 11.

13. The reply is in the negative.

14. (*a*) Proprietors, employers and their wives.

Canada

Manitoba

11. (*a*) All establishments that pay for hire.

(*b*) The reply is in the affirmative.

(*c*) Very questionable if should apply to such organisations.

12. (*a*) Church organisations.

(*b*) Broad powers of exemption and variation to be allowed local authorities.

13. (*a*) and (*b*) The replies are in the negative.

14. (*a*) (i) Owners, managers, confidential occupations.
(ii) Office assistance.
(*b*) and (*c*) The replies are in the negative.

SASKATCHEWAN

11. (*a*) Every establishment.
(*b*) The reply is in the affirmative.
(*c*) The reply is in the affirmative.

12. (*a*) None.
(*b*) The reply is in the negative.

13. (*a*) The reply is in the negative.

14. No exclusion.

CHILE

11. (*a*) and (*b*) It should apply to the undertakings mentioned in the three Conventions referred to in paragraph (*b*) of this question.

(*c*) It should also include hotels, restaurants, boarding houses. clubs, cafés, other refreshment houses, theatres and places of public amusement.

12. (*a*) and (*b*) Establishments for the treatment or care of the sick, infirm, destitute or mentally unfit should be excluded.

13. (*a*) The reply is in the negative.

14. (*a*), (*b*) and (*c*) Persons holding positions of management or supervision or employed in a confidential capacity should be covered by national legislation on hours of work, such hours being in any case limited.

Exceptions might also be made in the case of persons whose work is markedly intermittent or consists at times merely in attendance; these persons should have their maximum hours fixed by national legislation, the maximum in no case exceeding 48.

The limitation of hours should not apply to persons working without supervision by their immediate superiors or outside the employer's premises, such as managers, confidential clerks, commission agents, etc

DENMARK

11. (*a*) and (*b*) The Government considers that the Draft Convention should apply to the undertakings covered by the three Conventions already adopted on hours of work in industry, coal mines, and commerce and offices; but in the case of the third Convention, the undertakings which are excepted by Article 1 (2) should be included.

(*c*) Yes; the only establishments which should be excluded from the Draft Convention are those as regards which there is no assurance that a

reduction in working hours would result in the employment of additional workers, and those over which it would be impossible to exercise effective supervision.

12. Only those undertakings should be excluded from the Convention as regards which there is no assurance that a reduction of working hours would result in the employment of additional workers; and those as regards which it would be impossible to apply effective measures of supervision. It would therefore be necessary to examine in each case to what classes of undertakings an exception to the general rule of the reduction of working hours would be required; but it would hardly be possible to specify in advance what undertakings should be excepted.

13. (*a*) Although the exclusion of small establishments will result in excluding a large number of undertakings from the scope of the Convention, it would in view of the technical difficulties connected with an increase of employment proportionate to a reduction in working hours appear expedient that the Convention should apply only to undertakings of a certain size.

(*b*) The number of persons employed in the undertaking should be adopted as the criterion and undertakings in which not more than five wage earners are employed should be excluded from the scope of the Draft Convention.

14. (*a*) The Convention should allow of exceptions being made by national laws or regulations in the case of persons working in undertakings in which only members of the owner's family are employed, and persons holding positions of management or supervision or employed in a confidential capacity (see similar exceptions provided for in the Washington Convention on hours of work in industrial establishments).

As regards hours of work in commercial and similar establishments, exceptions should be allowed in the cases specified in Article 1 (3) of the 1930 Convention on hours of work in commerce and offices.

(*b*) The reply is in the negative.

(*c*) See reply to (*a*) above.

Finland

11. The scope of any international Conventions that may be adopted should be relatively restricted. For example, transport should be excluded from the scope of the Convention concerning industry. The scope of the Conventions concerning hours of work in commerce and in coal mines ought not to be extended.

As regards border-line cases, it should be made clear that certain work ancillary to agricultural and forestry work, by which raw materials are prepared for industry, is excluded from the regulations. This observation is called for by the fact that the interpretation of the Washington Convention on hours of work has given rise to some uncertainty in this respect.

12. Particularly in border-line cases, each country should be allowed the right to exclude certain establishments at its discretion if the application of the regulations to them gives rise to difficulties.

13. In view of the fact that technical development is less advanced in small establishments, and that they are of less importance as regards

unemployment, it would seems desirable to exclude small establishments from the scope of the international regulations. The limit might be fixed at ten workers, so that small establishments would remain subject to the Washington Convention on hours of work.

14. Persons who hold positions of management or supervision, or who are employed in a confidential capacity, and who as a rule determine for themselves the number of hours they work, should be excluded from the scope of the regulations on hours of work.

France

11. As regards the scope of the Draft Convention or Conventions, the Government is prepared to agree to any definition calculated to secure the support of the States whose adherence is necessary to make the Draft Convention or Conventions effective. It would therefore raise no objection to the application of the Draft Convention or Conventions to the establishments covered by the three Conventions already adopted and also to the establishments excluded from the Convention of 1930 concerning hours of work in commerce and offices.

12. The Government does not make any proposal for the exclusion of any categories of establishments, which however does not rule out the possibility of providing in the case of certain categories for the adaptation to the special conditions under which they work of the general principle of reduction of hours laid down by the Convention. One exception might be made, namely, for establishments in which the only persons working are the head of the establishment and his wife, children or wards under his guardianship.

13. No special provision should be made for small establishments.

14. (*a*) The only category of persons who should be excluded from the scope of the Draft Convention or Conventions is that of persons who undertake the management of an establishment and may therefore be assimilated to the head of the establishment on whose behalf they act. As for other persons engaged in ordinary positions of supervision or in a confidential capacity who are merely employees, the Draft Convention or Conventions should be applicable to them subject to special exceptions which might be provided in respect of them by reason of the requirements of the duties with which they are entrusted.

In any event it would be necessary to include in the Draft Convention or Conventions very precise definitions of the categories of persons to be excluded from their scope. Expressions such as "managing, controlling and supervisory staff" might be interpreted in widely divergent ways in national laws or regulations if the definition were left to be so fixed by the inclusion of such expressions in the Draft Convention or Conventions.

(*b*) If very precise definitions are included in the Draft Convention or Conventions it would be superfluous to lay down a maximum percentage of the total staff of the establishment. It would, moreover, be very difficult to fix the percentage, which would have to vary according to the size of the establishment and the nature of the work carried on therein. In multiple-branch establishments, for example, the proportion of persons employed in positions of management is generally very high.

INDIA

11 to 14. No reply is given.

ITALY

11. (*a*) The Draft Convention should apply to all establishments in which persons are employed in return for remuneration, in money or otherwise, under the direction and control of other persons, with the exception of undertakings engaged in agriculture or navigation.

(*b*) The Draft Convention should apply in particular to the establishments covered respectively by the three Conventions already adopted for industry, coal mines and commerce and offices.

(*c*) Certain of the establishments excluded from the Convention of 1930 might also be included, that is to say, hotels, restaurants, boarding-houses, clubs, cafés, and other refreshment houses.

12. (*a*) and (*b*) No special exceptions should be allowed for particular categories of establishments other than those dealt with in the above-mentioned Conventions and those covered by the special arrangements to be allowed as indicated in reply to Questions 21 and 22. Furthermore, the Draft Convention should not permit of any exceptions in this respect being made by national legislation.

13. (*a*) and (*b*) The question of the application of the Convention to small establishments should be considered solely with a view to deciding whether, as would appear to be necessary, establishments employing less than ten persons should be excluded.

14. (*a*), (*b*) and (*c*) The regulations should provide for a general exclusion of all persons holding positions of management or supervision or employed in a confidential capacity.

LATVIA

11. See the reply to Question 10.

12. The determination of what categories of establishments should in any case be excluded from the scope of the Convention might be left to be settled at the discretion of each country.

13. The Draft Convention should provide that small establishments not employing more than ten workers should remain subject to the Washington Convention on Hours of Work.

14. It might be left to the discretion of each country to exclude from the scope of the Draft Convention persons holding positions of management or supervision or employed in a confidential capacity.

NETHERLANDS

11. The Convention should be limited to industrial establishments, to which the method contemplated by clause (*d*) of Question 10 should be applied, and to offices.

The objections to which a reduction of the hours of work in commerce would give rise in the Netherlands have already been set out in the reply to Question 9 of the Report of the Tripartite Conference. Similarly, the establishments covered by clause (*c*) (hospitals, restaurants and theatres) should be excluded from the Convention.

12. The reply to this question is contained in that given to Question 11.

13. The Government feels that, at any rate for its own country, where about one-third of the workers in industry are employed in small establishments, there is no sufficient reason for dealing with small establishments—those with less than ten workers—in any way differently from the large establishments. Nevertheless, it cannot be denied that a reduction in hours of work may give rise to more objections in the case of small establishments than in the case of larger ones. The Government refers to the views expressed on this question in its reply to Question 8 of the Report of the Tripartite Conference.

14. (*a*) The Labour Act of 1919 enumerates in section 91 a certain number of categories of persons who may be excluded from the scope of this law in respect of hours of work and rest periods by means of public administrative regulations. The matter is more fully regulated by the Royal Decree of 25 November 1922 (*Stattsblad* 1922, No. 635, reprinted in I.L.O. *Legislative Series*, 1922, Neth. 6, page 4). These regulations have proved entirely satisfactory in administration. They provide a more precise definition of the phrase "persons holding positions of management or supervision or employed in a confidential capacity". It would be sufficient to insert this wording in the Convention. In this connection reference is made to section 3 of the above-mentioned Royal Decree. This section provides that the provisions of the Labour Act of 1919 relating to hours of work and rest periods shall not apply to persons who, in the opinion of the Chief of the Inspection Service of the district or on appeal of the Minister, may be assimilated, on account of the nature of their work, to any of the classes of workers mentioned in section 1 of the Decree (factory managers, production managers, charge hands, supervisors, etc.).

(*b*) It is impossible to suggest a definite percentage. This would have to vary according to the character of the establishment, and even in the same establishment the percentage might be different for different branches.

(*c*) It would be unnecessary to insert in the Convention a list of the persons contemplated by this clause.

Norway

11. (*a*), (*b*) The scope of the Convention should cover both industrial establishments, including coal mines, and commercial and similar establishments.

(*c*) In the Government's view it would be desirable to leave it to the various countries to decide whether the Draft Convention should apply to the establishments mentioned.

12. It should be left to the discretion of the competent national authority to exclude establishments the working of which is seasonal and does not extend beyond two months in the year as a maximum.

13. The Government is inclined to the view that there should not be any general exclusion of small establishments. In cases where the application of the forty-hour week would lead to a reduction in the number of persons employed, the competent authorities should be allowed to authorise exceptions for establishments in which the number of persons employed does not exceed ten.

14. Persons holding positions of management or employed in a confidential capacity should be excluded from the scope of the Draft Convention. It is not considered desirable to fix a maximum percentage for such persons. The competent authority should also have discretionary power to exclude " specialists " in small workshops not employing more than ten workers if the application of the forty-hour week results in a diminution in the number employed.

Poland

11. (*a*) and (*b*) The Draft Convention should apply to the establishments covered by the three Conventions already adopted concerning hours of work in industry, in coal mines, and in commerce and offices.

(*c*) No. The Recommendations adopted at the Fourteenth Session of the International Labour Conference concerning hours of work in the establishments mentioned in this question provided *inter alia* for investigations being made by the States Members, for the communication of the results on a uniform plan to be drawn up by the Governing Body, and for a special report by the Office. As these data, which are necessary for the proper appreciation of the situation, are not at present available, the Government is unable to agree that these establishments should be included.

12. The proposed Conventions should extend to all establishments except those enumerated in clause (*c*) of Question 11.

13[1]. The exclusion of small establishments would not be justified. If such an exclusion were provided for, the small establishments would be enabled to compete on more favourable terms with large establishments, and thus encouragement would be given to the dismissal of workers by establishments in which the number of workers employed was near the limit laid down as defining the category of small establishments.

14. (*a*) The Government is opposed to the exclusion from the scope of the Convention of any categories of persons whatever except persons holding the higher positions of management.

(*b*) The fixing of a percentage does not seem to be necessary.

Spain

11. (*a*) All establishments, but subject to the necessary exceptions.

(*b*) Subject as above, there would be no objection to applying the regulations to industry, to mines and to commerce and offices.

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[1] This and subsequent replies of the Polish Government relate both to industrial and commercial establishments (see reply to Question 10).

(*c*) The Draft Convention should not apply to the establishments excluded from the Convention of 1930 except in the case of an acute crisis in production giving rise to abnormal unemployment.

12. (*a*) Establishments in which the work is carried on by members of the family.

(*b*) It should be left to the discretion of the competent national authority to exclude the classes of establishments which, under the legislation of each country, are excepted from the normal regulation of hours, subject to prior examination of each case by the employers' and workers' organisations and the authorities responsible for the supervision of the normal regulations concerning hours of work.

13. (*a*) Any establishment employing less than three workers should be considered as a family undertaking.

(*b*) See reply above.

14. (*a*) Directors, managers, high officials, and technical experts:

(i) See reply above.

(ii) No discretionary power should be given to the competent authority to make exclusions.

(*b*) In view of the reply given to clause (*a*) above, there is no necessity to suggest a percentage.

(*c*) No; the reply on this point is covered by reply to clause (*a*).

Sweden

11. The Draft Convention should for preference apply to industry and employments connected therewith, that is to say, primarily to all forms of employment covered by the Washington Convention on hours of work. As is indicated in the reply to the preceding question, coal mines might usefully be included in the scope of the reform.

As regards commerce and offices, the conditions in these employments, at any rate as they exist in Sweden, hardly appear to justify their being brought within the scope of the Draft Convention.

12. If the scope is limited as indicated in the reply to Question 11, it does not appear to be necessary to exclude from that scope by a general provision any establishments other than those in which only members of the employer's family are engaged or which employ only a small number of workers, which might be fixed, for example, at a maximum of four. The competent authority should, however, have the right, as was indicated in connection with point III of the Preamble, to exempt from observance of the regulation certain undertakings in which a reduction of the hours of work would clearly result in a diminution of the number of workers employed. In order to prevent abuses, the Draft Convention might impose an obligation that such exemptions should be reported to the International Labour Office with an indication of the reasons for them.

13. See the reply to Question 12.

14. Persons holding positions of management or employed in a confidential capacity should be excluded by a general provision from the scope of the Convention. It might also perhaps be desirable to authorise the competent authority to exclude persons the application to whom of

the provisions for the reduction of hours of work had given rise or might give rise to serious difficulties. This exclusion should, however, be the subject of a report as proposed in the reply to Question 12.

In view of the diversity of conditions prevailing in the various categories of undertakings, it does not seem necessary to provide for the limitations contemplated in clauses (*b*) and (*c*).

Switzerland

11. A general Convention should in any case be limited to the classes of undertakings covered, as mentioned under letter (*b*), by existing International Labour Conventions. As regards Switzerland, the only undertakings to be considered in the first place would be those covered by the Factory Act. In the case of commerce and handicrafts there is at present no federal legislation on hours of work, and such legislation would therefore have to be introduced. The care of the sick, hotels, restaurants and cafés, and the entertainment industries should be omitted from the regulations, especially as in those branches of activity international competition does not play so great a part as in industry and commerce.

12. The proposed Convention might, like certain International Labour Conventions which have already been adopted, exclude from its scope those undertakings in which only members of the same family are employed, and possibly also the classes of undertakings mentioned under letter (*c*) of point 11. In the view of the Swiss Government, small undertakings employing not more than five or ten workers should in any case be excepted. That is the limit fixed by the Swiss Factory Act (the limit of five workers applies when the undertaking uses power machinery or employs one or more persons under 18 years of age, and the limit of ten workers in other cases). There would be no objection to leaving the exclusion of all or some of these classes to the discretion of the competent national authorities as is mentioned under letter (*b*) of point 12.

13. Since the Swiss Government proposes that small undertakings should be excluded from the Convention, it need hardly reply to the question whether there should be special provisions for them. If the Swiss Government's suggestion is not accepted, it would certainly be necessary to adopt special provisions, i.e. to allow small establishments to work more than 40 hours per week.

The Swiss Government has already expressed its views as regards the limit relating to the number of workers employed. It should be noted that a Bill on work in handicraft undertakings is being drafted in Switzerland and that in all probability it will not be based on the 40-hour week.

14. It would seem desirable to mention in the Convention itself the main classes of persons to be absolutely excluded: Persons holding positions of management or employed in a confidential capacity, and perhaps persons who hold positions of supervision but do not do manual work, and also the staff of commercial and technical offices, out-workers and cleaners not belonging to the regular staff of the establishment might be excluded. It is not desirable to give the national authorities much latitude in determining the classes of persons to be excluded from the Convention, as the views held on this subject differ widely

in different countries. The method mentioned under letter (*b*) should be rejected as being excessively rigid and that under letter (*c*) as being too complicated.

YUGOSLAVIA

11. The Draft Convention should apply, in principle, to the undertakings covered by the three Draft Conventions which have already been adopted concerning hours of work in industry, coal mines, and commerce and offices, subject to the reservations indicated below regarding small establishments. The Draft Convention might also apply to hotels and restaurants.

12. (*a*) The following should be excluded from the Draft Convention: maritime transport, sea fishing, agriculture, including forestry, market gardening, viticulture, and other similar agricultural occupations. Undertakings in which only members of the same family are employed should also be excluded.

(*b*) The Draft Convention should authorise the competent authorities to exclude the following from its scope: transport by land, air, or inland waterways; seasonal occupations.

13. As indicated above, the Draft Convention should exclude small establishments, which could be defined as those employing not more than ten wage earners on an average during the last quarter of the year.

14. The Draft Convention should exclude persons holding positions of management or supervision who are not ordinarily engaged in manual work and persons employed in a confidential capacity. It should be left to national legislation to determine the persons to be included under the above. The lists contained in the Belgian and Rumanian laws might be taken as a guide for this purpose.

V. — HOURS OF WORK

15. Do you consider that hours of work should be defined for the purposes of the Draft Convention as the time during which the persons employed are at the disposal of the employer, excluding rest periods during which the persons employed are not at the disposal of the employer ?

If not, what other definition do you propose ?

16. Do you consider that the Draft Convention should limit hours of work as a general rule to an average of 40 hours in the week ?

If not, what other limit do you propose ?

17. (*a*) Do you consider that the Draft Convention should limit hours of work for work which is necessarily continuous to an average of 42 hours in the week ?

If not, what other limit do you propose ?

(*b*) **Do you consider that the Draft Convention should provide for a special weekly average of hours of work, less than the average referred to in Question 16, for underground work in coal mines (e.g. 38 hours 45 minutes) ?**

What special average do you propose ?

18. What maximum period should be laid down by the Draft Convention as the period over which the weekly average of hours of work is to be calculated (e.g. 4 weeks, or, in the case of underground work in coal mines, 6 weeks) ?

19. Do you consider that the Draft Convention should lay down that any arrangement of hours of work, subject to the conditions referred to above, is in any case to respect the daily and weekly limits laid down by the Conventions already adopted on hours of work respectively in industry, coal mines, and commerce and offices ?

20. (*a*) **Do you consider that the Draft Convention should specify the methods which may be applied for arranging hours of work subject to the conditions referred to above ? If so, what methods do you propose to specify ?**

(*b*) **Or do you consider that, with a view to preventing any abuse in the distribution of hours of work, it would be sufficient to stipulate that the hours worked in any one week are to be distributed within the week by an arrangement according to which the number of hours in the day, excluding hours authorised by way of exceptions, during which the undertaking or branch thereof operates**

(i) **coincides with the number of individual hours of work of the persons employed therein, or**

(ii) **where work is performed by successive shifts, is a simple multiple thereof ?**

(*c*) **Further, do you consider that, subject to the limitations contemplated in Questions 16, 17 and 19, the Draft Convention should allow any method of arranging hours of work to be applied by collective agreement approved by the competent authority ?**

(*d*) **Have you any other proposals to make in regard to the arrangement of hours of work ?**

AUSTRIA

15 and 16. The replies are in the affirmative.

17. (*a*) The reply is in the affirmative.

(*b*) The Government expresses no opinion on this point, coal-mining in Austria not being of any great importance.

18 and 19. See reply to Question 9.

20. (*b*) and (*c*) The replies are in the affirmative.

BELGIUM

15. Hours of work should be defined, in accordance with the definition adopted at the informal meeting of Ministers of Labour in London, as being the time during which the persons employed are at the disposal of the employer, excluding rest periods.

16. The Draft Convention should lay down the general rule that hours of work should be limited to an average of 40 hours a week.

17. In view of the technical requirements of industries and processes which are necessarily continuous, and in order to permit of the organisation of the work in shifts, the Draft Convention should lay down for such industries and processes an average of 42 hours of work a week. A list of these industries and processes should be communicated to the International Labour Office.

18. The Draft Convention should lay down a maximum period of four weeks for the purpose of the calculation of the average hours of work.

19. The proposed regulations are clearly intended to improve the position of the workers. It follows that this improvement should not run counter to the Conventions already adopted on hours of work in industry and commerce. The Draft Convention should therefore stipulate that any arrangement of hours of work in accordance with the conditions referred to above must respect the daily and weekly limits laid down by these two Conventions.

20. As regards the methods of arranging the hours of work, the Draft Convention should stipulate that the hours of work per week shall be so distributed that the number of hours in the day during which the establishment or branch thereof operates coincides with the number of individual hours of work of the persons employed therein, or, where work is performed by successive shifts, should be a simple multiple of that number. Extra time authorised by way of exception would obviously not be included in this calculation. The Draft Convention should also permit the application of any other method of arranging the hours of work applied by collective agreement and approved by the competent authority, provided that the method is in conformity with the principle of the Convention.

BULGARIA

15, 16 and 17. The replies are in the affirmative.

18. Four weeks.

19 and 20. The replies are in the affirmative.

CANADA

MANITOBA

15. The reply is in the affirmative.

16. No. To an average of 42 hours per week.

17. (*a*) The reply is in the affirmative.
(*b*) No underground coal mines in Manitoba at present.

18. See reply to Question 17.

19. The reply is in the affirmative.

20. (*a*) Yes, by conferences.

SASKATCHEWAN

15. The reply is in the affirmative.

16. The reply is in the affirmative.

17. (*a*) A 40-hour week.
(*b*) The reply is in the negative.

18. Four weeks.

19. The reply is in the affirmative.

20. (*a*) The reply is in the negative.
(*b*) The reply is in the affirmative.
(*c*) The reply is in the affirmative.
(*d*) The reply is in the negative.

CHILE

15. The definition proposed in this question should be adopted.

16. The reply is in the affirmative.

17. (*a*) The reply is in the affirmative.

(*b*) Any considerable reduction in hours of work in addition to that already necessitated by market conditions would be harmful to the coal industry and would confer no benefit on the worker, who is at present working only five days a week. Any artificial reduction in hours of work would necessarily lead to an increase in pay and the consequent decrease, if not the complete cessation, of coal exports. As a result, the number of working days would be reduced, through lack of consumers, to figures similar to those for 1931 and 1932, that is, about 30 hours a week. Consequently the Mines Department is of the opinion that a reduction in hours of work in coal mines would merely result in nullifying the improvement made in this industry during the past year, when strenuous efforts have been made to cheapen production and to gain fresh markets, not only at home but also in neighbouring countries.

18. The maximum period should be four weeks for the work mentioned in paragraph (*a*) of Question 17.

19. The reply is in the affirmative.

20. The most desirable methods are those mentioned in the three subsections of paragraph (*b*) of this question, in accordance with the reply to Question 9 but without prejudice to the replies to Questions 17 and 18.

Denmark

15. The reply is in the affirmative.

16. Yes; see reply to Question 1.

17. The Government considers that the Draft Convention should limit working hours to an average of forty-two hours a week for the work referred to in this question; see the text of the Bill mentioned under Question 1.

18. The period over which the weekly average of hours of work may be calculated should not be unduly long. A maximum period of six weeks is suggested as reasonable; see the reply to Question 9.

19. The reply is in the affirmative.

20. (*a*) No; see the reply to Question 9.
(*b*) Yes; this should suffice.
(*c*) The reply is in the affirmative.

Finland

15. The reply is in the affirmative.

16 and 17. As has already been pointed out in reply to Question 1, neither the extent of unemployment nor the conditions of production permit of Finland being placed on the same plane as the more highly developed industrial countries. Due regard should be paid to these circumstances in the international regulations on hours of work. If a general Convention were to be adopted fixing the average duration of the working week at 40 to 42 hours, it would be necessary to provide for exceptions in the case of Finland corresponding to its special conditions.

18. The maximum period should, for practical reasons, be as long as possible.

19. The reply is in the negative, especially since the limitation of the daily and weekly hours of work is more rigid in the case of the international Convention dealing with industrial employment than it is, for example, in the Convention dealing with commerce.

20. It should be left to national laws or regulations to specify the methods to be adopted, but in any event this question should not be linked up with the question of collective agreements.

France

15. In the opinion of the Government, the definition cited should not be departed from.

16. The Government is of opinion that the 40-hour week should be adopted as the general rule. This maximum should not be an average but an absolute limit. An average limit should be provided

only by way of exception for categories of establishments such as those in which work is necessarily carried on continuously for a period exceeding the daily or weekly limit fixed.

17. (*a*) The Washington Eight-Hour Day Convention provides that the limit of hours of work may be exceeded in processes which are required to be carried on continuously by a succession of shifts, subject to the condition that the working hours shall not exceed 56 in the week on the average. A similar provision might be included, the maximum, of course, being reduced from 56 hours to a lower limit. It might be fixed at 42 hours.

(*b*) A limit lower than the general maximum might be fixed for underground work in coal mines. As regards the method of calculating working hours for such work, the rules laid down by the Convention on hours of work in coal mines adopted by the Conference at its 1931 Session might be followed. Allowance being made for the fact that the time so calculated includes the time spent in travelling from the surface to the place of work and in the return journey, and that these times would remain the same, the hours of work might be reduced in the same proportion as in the other industries.

18. If, for technical reasons, the substitution of an average duration for a fixed daily or weekly limit of hours is permitted for certain work, this average should be calculated over a period not exceeding seven weeks and should be subject to a certain daily or weekly maximum.

19. The reply is in the affirmative.

20. (*a*) The methods should be specified only in cases in which an average limit is substituted for a daily or weekly limit.

(*b*) The reply is in the affirmative. Exceptions should be admitted only for work which must necessarily be carried on continuously for a period exceeding the fixed daily or weekly limit.

(*c*) The reply is in the negative.

(*d*) The reply is in the negative.

India

15 to 20. No reply is given.

Italy

15. Hours of work should be understood to mean the time during which the persons employed are at the disposal of the employer.

16. Hours of work should be limited to an average of 40 hours in the week.

17. (*a*) For work which is necessarily continuous, the limit should be 42 hours a week on an average.

(*b*) For underground work in coal mines, the weekly average might be fixed at 38 hours 45 minutes.

18. The maximum period to be laid down for the calculation of the weekly average of hours of work should be four weeks, and in the case of underground work in coal mines six weeks.

19. The daily and weekly limits laid down by the existing Conventions should in any case be respected.

20. (*a*), (*b*) and (*c*) Subject to the limits indicated in Questions 15 to 19, the Draft Convention should allow each State to choose the methods which it considers most suitable for applying the new regulations concerning hours of work, provided that any such method is adopted by way of collective agreement between the organisations concerned, approved by the competent authority.

Latvia

15. The reply is in the affirmative.

16 and 17. The Draft Convention should lay down the general rule that hours of work should be limited to an average of 40 to 42 hours a week for industrial countries in which there is technological unemployment, but it will be necessary to provide for exceptions for agricultural countries in which there is seasonal unemployment, having regard to the special conditions of those countries.

18. The Draft Convention should fix as long a period as possible for the calculation of the weekly average of hours of work.

19. The reply is in the negative.

20. It would be desirable to leave to national laws or regulations the determination of the methods which may be used for arranging hours of work, with the exception of methods of arrangement to be applied by collective agreements approved by the competent authority.

Netherlands.

15. There is no objection to this definition.

16. This question can be answered in the affirmative.

17. (*a*) It would be necessary to fix a limit of 42 hours for establishments in which work is continuous. For "semi-continuous" work (that is to say, industries where work is stopped on Sunday), an average of 40 hours a week might suffice.

18. If it is desired to give full effect to the various methods of organising the reduction in hours of work, the period for the calculation of the average duration of work should be fixed at three months. In general, however, a period of six weeks might suffice.

19. The reply to this question is in the affirmative.

20. (*a*) The reply to this question is in the negative. An entirely free choice should be given between all the methods.

(*b*) The provision here contemplated would be too narrow. It should be possible for work to be carried on in certain parts of a factory or for certain persons in one part of a factory to be able to work in accordance with a different time table from that fixed for the other workers in the factory. Similarly it should be possible for work to be organised in overlapping shifts.

(*c*) Yes. In addition, the same facilities should be allowed as regards arrangements in respects of matters not regulated by collective agreement but approved by or on behalf of the Minister concerned as being in conformity with the intentions of the Convention.

(*d*) The Government has no other proposals to make.

Norway

15. The reply is in the affirmative.

16. The reply is in the affirmative. The numbers of hours of work should be limited to an average of forty a week.

17. For work which is necessarily continuous, the number of hours of work should be fixed at an average of forty-two a week. As regards work in coal mines, it is impossible to arrive at a definite conclusion.

18. The maximum period should be fixed at four weeks: see the reply to Question 21 below.

19. The reply is in the affirmative.

20. The Government's view is that the provisions of the Convention should be given a very adaptable form so that they may be applied without serious difficulty. It is thought desirable that any method of arranging hours established by collective agreement should be allowed, provided that the limits mentioned in the replies to Questions 16, 17 and 19 are observed.

Poland

15. Yes. The hours of work should be defined for the purpose of a Convention as being the time during which the persons employed are at the disposal of the employer, excluding rest periods during which they are not at the disposal of the employer.

16. The Convention should limit hours of work as a general rule to an average of 40 hours a week.

17. (*a*) The Convention should lay down as a general rule for work which is necessarily continuous a limit of 40 hours a week on an average.

(*b*) The average weekly maximum for underground work in coal mines should be 40 hours.

18. A maximum period of four weeks should be laid down for the calculation of the weekly average of hours of work (except for seasonal industries and for transport, in which cases the maximum period for the calculation might be one year).

19. The primary purpose of the earlier Conventions on hours of work was to ensure the standard of protection of labour necessary for social reasons. It follows that the proposed Conventions should lay down that any arrangement of hours of work must in any case respect the daily and weekly limits laid down by the Conventions already adopted on hours of work in industry, in coal mines and in commerce and offices.

20. (*a*) The various methods of arranging hours of work could be indicated by way of example in a Recommendation.

(*b*) The reply is in the affirmative.

(*c*) The Draft Convention should allow, subject to the limitations contemplated in the replies to Questions 16, 17 and 19, the application of any method of arranging the hours of work under a collective agreement approved by the competent authority.

Spain

15. Yes. The matter is so dealt with in the Spanish legislation in force concerning maximum hours of work.

16. The reply to this question is dependent on the reply given to Question 1. If a reduction of hours of work is decided upon the limit should be fixed at an average of 40 hours a week and a daily maximum of eight hours.

17. (*a*) Yes; the limit of hours should be fixed at an average of 42 hours a week. This would permit of a four-shift system for continuous work if the daily hours of work are reduced.

(*b*) Yes. For the mercury mines in Spain a weekly average of 40 hours, but during half a month only, for underground work, distillation and treatment of the sludge; for coal mines, an average weekly limit of 40 hours and on necessarily continuous work, 42 hours.

18. Four weeks for ordinary work, eight weeks in mercury mines.

19. No, if the limits already laid down are less advantageous to the worker.

20. (*a*) No. The arrangement of hours of work should be determined in accordance with the requirements of each centre.

(*b*) The reply is in the affirmative, subject to the conditions indicated in the question, or at any rate the last condition, and to a maximum of two hours extra work beyond the normal daily hours.

(*c*) Yes. The matter is so dealt with in the Spanish legislation limiting hours of work. By way of collective agreements freely accepted by the workers, an annual maximum of 120 to 240 hours.

(*d*) No, except as regards mercury mines.

Sweden

15. Yes; but the question may be asked whether the expression " the time during which the persons employed are at the disposal of the employer " does not indicate with sufficient precision what is meant by hours of work.

16. Yes; the enquiries which have been carried out have shown that the 40-hour week is the method most frequently adopted in effecting a substantial reduction of the hours of work.

17. It would be desirable that the limitation of the hours of work on continuous work should be carried out in accordance with special rules.

The question whether the limit should be fixed at 42 hours a week or whether the limitation should not rather be more rigorous than in the case of ordinary work is, however, one of those on which the Government is not at present in a position to come to a definite conclusion. In the event of the adoption of a special regulation for hours of work in coal mines, it would seem to be desirable to impose a stricter limitation for underground work.

18. A maximum period of four weeks would appear to be sufficient as a general rule, and this should apply also to underground work in coal mines.

19. In view of what has been said in the reply to Question 11 as regards the inclusion of employment in commerce and offices in the scope of the proposed regulation, the reply to the present question can be confined to the limitation of hours of work in industry and in coal mines.

In the replies to Questions 16 and 18, the view has been expressed that for non-continuous work in industry in general the provisions of the Convention should be restricted to limiting the hours of work to an average of 40 hours a week, the average being calculated over a period of four weeks as a maximum, with, perhaps, a somewhat greater reduction in the case of work in coal mines. The drafting of these provisions in very general terms was intended to give a certain latitude as regards the arrangement of hours of work. It would hardly be consistent with this view if the Convention were to limit the hours of work to 8 in the day and 48 in the week. It should, on the contrary, be possible to make the limitation of hours of work subject to somewhat less rigid provisions. Whatever solution is adopted, it would obviously be desirable in any event to include in the Convention express provisions concerning the details.

20. As has been already stated in reply to Question 9, it does not appear to be either necessary or desirable to limit or specify in the Draft Convention the methods which may be applied in arranging the hours of work. The enquiries which have been carried out have shown, in fact, that the reduction of hours of work is effected by a number of very different methods, appropriate to the circumstances of each case.

As regards the provisions set out under (*b*), it may be observed that in many cases where the hours of work are different for certain workers or groups of workers from those ordinarily applied, it would hardly be possible to give effect to these provisions.

Switzerland

15. The need of defining what is to be understood by " hours of work " has not been felt in Switzerland up to the present. The Swiss Government can, however, accept the proposed definition, but would draw attention to certain difficulties which may arise in practice, e.g. as regards the journey which a worker employed outside the undertaking must take in order to go to and return from work, as well as cases in which the worker is required to be to a certain extent at his employer's disposal during the rest periods.

16. There are undoubtedly some spheres in which the effects of introducing the 40-hour week could without too much difficulty be offset by the engagement of additional workers. There are, however,

many other cases in which the necessary premises, equipment and staff would not be available. Time and capital would be required in order to supply these, and it is not certain either that the necessary credit can be obtained or that, in view of the uncertainty of the future, the risk of fresh investments could be run. Everyone is aware of the difficulties encountered in placing the unemployed in work owing to the fact that frequently they cannot be transferred to another place. The reduction of hours of work can often not be made up for where specialists are concerned. Obviously the adjustment is more difficult in proportion to the extent of the reduction and the complexity of the economic organisation which is to be adjusted.

It is frequently impossible to make up for the reduction of hours of work by having recourse to the shift system, either owing to shortage of labour, lack of supervising staff, the conditions of the supply of electrical power or the fact that markets for the additional production may not be found.

A somewhat less radical reduction of hours of work would seem to be easier to effect. It might be possible in the first place to secure the general adoption of a 44-hour week. This would be a considerable step towards the desired reform, and a second step could easily be taken if the results were satisfactory. The introduction of the 40-hour week as a general rule appears likely to encounter serious difficulties.

It is in cases where work is highly mechanised and standardised and where mass production is carried out that there are the greatest prospects of arriving at considerable reduction in hours of work. This is a further consideration in support of the proposal to adopt regulations fixing hours of work by industry or activity according to a suitable scale.

17. (*a*) If general international regulations are practicable, a 42-hour week might be introduced for continuous work. It would probably be possible to arrange for a fourth shift without excessive difficulty and without any extension of premises and equipment. There is, however, some doubt whether sufficient skilled workers, or workers who could be trained without too much disturbance to the work, could everywhere be found. Moreover, the reduction would be so large—from 56 to 42 hours per week—that the readjustment of wages might constitute a serious obstacle. With a 42-hour week many undertakings would probably not be able to make the rest day on alternate weeks fall on a Sunday.

From the Swiss point of view it would be regarded as progress if weekly hours of work were reduced from the maximum of 56 hours fixed by the Washington Convention to a maximum of 48 hours.

In the case of undertakings which work continuously day and night but which stop on Sundays and which at present work a 48-hour week, it would be possible to contemplate a 42-hour week which would represent six seven-day shifts for each worker (there would be certain gaps to be filled up between the successive shifts in each period of twenty-four hours). A system of four six-hour shifts in each 24 hours for the six working days would reduce weekly hours of work to 36 hours and would thus no doubt raise the question of readjusting wages in an acute form. On the other hand, to maintain the system of three eight-hour shifts, but to apply it on five working days only, thus giving a 40-hour week, would mean that undertakings which work with hot materials, such as rolling mills, would have to keep the furnaces going for nothing during the week-end. This would certainly be very expensive.

It may therefore be asked whether in this case also a somewhat less radical solution should not be contemplated. This might, for example, be to do no work on the night from Saturday to Sunday and thus reduce the period during which the undertaking is at work by eight to twelve hours per week, and bring the workers' average weekly hours down to 44.

18. There is undoubtedly a need for providing an elastic method of calculating the weekly average of hours of work. At the present time, orders often reach undertakings very irregularly; whether work is abundant or scarce depends more and more on the exigencies of fashion; and prices and the factors on which they depend are highly unstable. All this makes rapid adaptation necessary. In the Swiss Government's view, not only should the period be fixed in a wide way, but it should be adjusted to the needs of different industries or branches of activity. The longest period would be necessary for seasonal industries in the strict sense, especially the building trades; for these the period of a whole year might be contemplated. Many different systems can be imagined, and it is thought that national legislation should be left free to settle the point, so as to meet the requirements of different industries or branches of activity. The normal period might be four to eight weeks, and a counterpoise to the elasticity thus allowed should be provided by methods of supervision.

The provisions relating to overtime should also be reserved.

19. It is thought that the limits laid down by the Conventions already adopted could as a general rule be retained for the Convention now under discussion.

20. (*a*) It is recommended that the methods should not be specified, but that they should be left quite open, so that full allowance for the diversity of conditions can be made within the framework of the Convention.

(*b*) This system is not recommended either. The system mentioned under (*i*) is too narrow, for the number of hours during which the establishment operates does not, for example, coincide with the worker's hours of work if the work is carried out by larger or smaller groups of workers who succeed one another. In such cases the undertaking operates for longer hours, but the individual worker does not work longer.

In the Swiss Government's view, it is sufficient to lay down the principle, and to establish adequate means of supervision. It must not be forgotten that the workers themselves increasingly tend to exercise supervision, and report any abuses which are not discovered by the supervisory authorities.

(*c*) This provision is accepted.

(*d*) There should be a provision under which the competent authority might allow slight exceptions to the rules established by the Convention, when their observance would cause exceptional difficulties and when the majority of the workers concerned give their consent. A clause of this kind exists in the Order applying the Swiss Factory Act, and often proves useful.

Yugoslavia

15. Working hours should be defined as the time during which the persons employed are at the disposal of the employer, excluding

rest periods during which the persons employed are not at the disposal of the employer.

16. The Draft Convention should limit hours of work to an average of 40 hours per week.

17. (*a*) The Draft Convention should limit hours of work for processes which are necessarily continuous to an average of 42 hours per week, so as to allow the employment of four shifts per day.

(*b*) For underground work in coal mines, the limit should be 38 hours 45 minutes.

18. The average weekly limit should be calculated over a maximum period of four weeks for industry and six weeks for coal mines.

19. The Draft Convention should provide that any arrangement of hours of work under the conditions referred to above should respect the daily and weekly limits laid down by the existing Conventions concerning hours of work.

20. The Draft Convention should provide that the weekly working hours should be distributed by an arrangement according to which the number of hours in the day during which the undertaking or branch thereof operates coincides with the number of individual hours of work of the persons employed therein, or with an exact multiple thereof, when work is carried out in shifts. With a view, however, to ensuring the necessary flexibility, the Draft Convention should provide for the possibility of applying other methods by means of collective agreements approved by the competent authorities.

VI. — Special Systems for Certain Industries or Activities

21. Do you consider that the Draft Convention should contain special provisions to meet the requirements of the transport industry, considering separately railways and other forms of transport ?

What provisions do you propose ?

Are there any other industries or activities for which you also propose special provisions, and what provisions ?

22. Do you consider that, if special provisions are laid down, whether in a separate Draft Convention or in a general Draft Convention, for coal mines, the Draft Convention should retain the provisions of the 1932 Convention limiting hours of work in coal mines, subject to such changes as may be required to bring about a reduction in the individual hours of work of workers employed in the different categories of mines covered by this Convention ?

Austria

21. Railways, steam navigation and air transport undertakings, together with motor transport services, should be excluded.

22. See the reply to Question 17 (*b*).

BELGIUM

21. See the reply to Question 12.

22. See the reply to Question 10.

BULGARIA

21 and 22. The replies are in the affirmative.

CANADA

MANITOBA

21. No. Probably safe to leave this to conferences of unions concerned.

22. No coal mines in Manitoba at present.

SASKATCHEWAN

21. The reply is in the affirmative.

22. The reply is in the affirmative.

CHILE

21. Transport undertakings, particularly railways, and coal mines should be dealt with in separate Conventions. It is thought desirable that the Draft Convention should contain special provisions for the transport industry, keeping railways separate from other forms of transport, because it is clearly necessary to adopt some regulations for the various transport systems in the country so as to put an end to ruinous competition between them. The provisions of the regulations would have to enforce equal conditions and equal obligations on railways, road transport, etc., with a view to obtaining the best possible service for the public.

22. See the reply to Question 17 (*b*).

DENMARK

21. The Convention should allow special exceptions to be made by national laws or regulations as regards the transport industry so far as may be necessary to meet the special requirements of that industry. The Government does not, however, consider it necessary to make special provision for other industries or undertakings.

22. The Government refrains from replying to this question, in view of its lack of practical experience as regards working conditions in mines.

FINLAND

21. Experience has shown that railways and other means of transport must be dealt with separately in any regulation of the hours of work. These special provisions should also deal with border-line cases such

as the rafting of lumber, transport by barges, navigation on canals, transport by aeroplane, etc., if these are not entirely excluded from the scope of the regulations as transport by ship has had to be excluded.

22. This question does not call for any reply in the case of Finland.

France

21. The Government is of opinion that the Draft Convention should include special provisions to meet the requirements of the transport industry. Such special provisions should be made separately for railways and for other forms of transport, whether by land or by water.

22. The reply is in the affirmative. See the reply to Question 17 (*b*).

India

21 and 22. No reply is given.

Italy

21. As regards railways and, in general, all transport services managed directly by the State or public bodies or leased to private undertakings, attention must be paid to the fact that their situation is a special one and that any further limitation of hours of work could only increase their existing financial difficulties. It might therefore be expedient to exclude them from the new regulations, or at any rate to give the competent authorities liberty to apply to them a special regulation conforming to the Washington Convention on Hours of Work.

22. As regards coal mines, the provisions of the Convention of 1931 should not be modified except so far as may be necessary to bring about a reduction in accordance with the new regulations of the hours of work of the persons to whom the Convention applies.

Latvia

21. It would be desirable to make special provision for the transport industry, dealing separately with railways and other forms of transport, if it is not excluded from the international regulations.

22 This question does not concern Latvia.

Netherlands

21. Provisions concerning the transport industry should not in any case be included in the Convention which deals with other industries. In its reply to Question 5 of the Report of the Tripartite Conference, the Government has already indicated the difficulties which would be occasioned by a reduction of hours of work in the transport industry in the Netherlands.

22. The reply is in the affirmative.

NORWAY

21. In view of the special circumstances of the Norwegian railways, where distances are long and the services restricted, the Government is of opinion that special provision should be made allowing the calculation of the general weekly average of hours of work to be made over a period of six weeks.

22. This question does not call for any reply by the Norwegian Government.

POLAND

21. The Convention should contain special provisions to meet the needs of railways.

22. The reply is in the affirmative.

SPAIN

21. The reply depends upon the exceptions to the normal hours of work. For transport as for other industries for which exceptions are allowed by Spanish legislation limiting hours of work, a variation of hours of work should be permitted corresponding to the ratio 6 to 8 multiplied by the coefficient at present in force.

22. The same reply as to the preceding question.

SWEDEN

21. If the views expressed in the replies to Questions 16 to 20 are taken into consideration, it will doubtless not be necessary, from the point of view of the technical requirements of working, to provide for the transport industry any special regulations other than those which may be adopted by way of exceptions from the general rule authorised by national laws or regulations.

22. As has been said in reply to Questions 10 and 17, it would appear to be possible to subject coal mines to regulations regarding hours of work in close conformity with those provided for industry. In order, however, to ensure the reasonable application of the regulations to the work carried out in such mines, it would be desirable, perhaps, to include in the Draft Convention certain provisions of the Convention relating to hours of work in coal mines, for example those dealing with the method of calculating the hours of work.

SWITZERLAND

21. If it is desired to bring the transport industry under the Convention, special provisions must certainly be laid down for it. It is also thought desirable to deal with railways apart from other forms of transport. Switzerland has an Act which regulates hours of work in railways

and other transport and communication undertakings; it covers the Federal Railways, posts, telegraphs and telephones, and transport and communication undertakings which hold a concession from the Confederation. It is considered in competent circles that in existing circumstances there can hardly be any question of introducing the 40-hour week, for the undertakings could not bear the additional expense involved. Most transport undertakings, and in particular the Federal Railways, are suffering severely from the competition of motor-cars and from the general depression. They have to take all possible measures of rationalisation and economy, first of all to regain and then to maintain their position. The expense of introducing the 40-hour week would hamper their efforts and would make it difficult for them to reduce fares and transport rates as they are being asked to do. It is also feared that forced rationalisation and economies may, in the long run, go so far as to endanger the safety of transport. From the Swiss point of view, it is therefore desirable that in the case of transport undertakings the 48-hour week, calculated over a period of a fortnight, should be maintained.

Transport undertakings other than railways should probably be treated in a similar way, as their requirements are to some extent the same and those concerned would not readily accept differential treatment imposing more restrictions on some than on others.

As regards the transport services of industrial undertakings, recourse is had in Switzerland to the facilities provided by the clauses relating to " subsidiary work ". The problems which arise in this connection can be satisfactorily settled in that way.

A special system allowing a weekly average of more than 40 hours would also be possible in the case of small undertakings, if they are not absolutely excluded from the Convention. For such undertakings, it is thought that the 48-hour week, or even a still longer working week in the case of some classes of undertaking, can be justified. Finally, certain branches of commerce would be entitled to demand special treatment.

22. This question does not concern Switzerland.

Yugoslavia

21. It should be left to national legislation to exclude the transport industry from the scope of the Convention, owing to its special character, as already stated in the reply to Question 12.

22. The Government considers that the special Draft Convention for coal mines should retain the provisions of the 1931 Convention, subject to such changes as may be required to bring about a reduction in the hours of the individual workers employed.

VII. — Guarantees for the Creation of Fresh Employment

23. Do you consider that the Draft Convention should provide for guarantees for ensuring that the reduction in hours of work results in the employment of fresh workers with a view to maintaining or even increasing the volume of production ?

What guarantees do you propose ?

AUSTRIA

23. It would be difficult to provide guarantees in international regulations or in national legislation for ensuring the employment of fresh workers by means of a reduction of hours of work, unless such guarantees were the subject of collective agreements between employers and workers.

BELGIUM

23. It would seem to be difficult to include in the Draft Convention guarantees for ensuring that the reduction in hours of work results in the employment of fresh workers.

BULGARIA

23. The reply is in the affirmative.

CANADA

MANITOBA

23. The reply is in the negative.

SASKATCHEWAN

23. The reply is in the affirmative.

CHILE

23. The Draft Convention should provide for guarantees, but it is difficult to state what these should be. The ideal would be that an increase in employment would follow automatically on the reduction in hours in order to maintain or possibly increase the volume of production.

DENMARK

23. If small undertakings are excluded from the scope of the Convention, the Government does not consider it indispensable that it should include provisions for ensuring that the reduction of working hours shall result in the employment of additional workers, and it is doubtful of the practicability of framing provisions of this character.

FINLAND

23. It does not appear to be necessary to include provisions on this subject in the Draft Convention.

FRANCE

23. It is difficult to see what kind of guarantees on this subject could be included in the Draft Convention. The reduction of hours

of work is not the only factor affecting changes in the staff of an establishment, and it would be difficult to decide to what extent such changes were due to a reduction of hours.

India

23. No reply is given.

Italy

23. The engagement of fresh staff would in almost all cases follow automatically upon the reduction of the hours of individual workers, provided, however, that general economic conditions allowed of production being maintained or increased. It does not seem necessary, therefore, that the Draft Convention should provide for any guarantees in this connection.

Latvia

23. In the case of Latvia it is impossible at the present time to provide for guarantees to ensure that the reduction in hours of work will result in the employment of fresh workers with a view to maintaining, or even increasing, the volume of production.

Netherlands

23. The Government is not clear as to the intention of this question. The purpose of the Convention is to secure a reduction of hours of work in order to relieve unemployment. The question under consideration seems to be based on the supposition that the application of the Convention might produce an effect contrary to that intended. In the Government's view this possibility cannot in fact be ruled out, and indeed, constitutes a real danger, and it is for this reason that the Government has adopted a negative attitude towards any new Convention (see reply to Question 1).

If the question is intended to refer to measures to be taken in order to compel employers to increase the numbers on their staff, the Government is of opinion that such coercive provisions should not be included.

Norway

23. The question is important, but it is difficult to indicate what practical guarantees could be provided.

Poland

23. In view of the purpose of the proposed regulations, it would be appropriate to include in the Draft Convention provisions in regard to supervision by the appropriate Government authorities (employment exchanges, factory inspection service, unemployment insurance institutions) of the engagement and employment of fresh workers as a result of the reduction in hours of work.

SPAIN

23. Yes; for if no such guarantees were provided a reduction of hours of work would not contribute to the provision of work for the unemployed. The Government proposes the penalties usually applied in the case of a breach of any labour legislation.

SWEDEN

23. In view of the purpose of the proposed reduction of hours of work, it would be desirable to provide such guarantees if possible. The Government is not, however, in a position to propose guarantees which could be included in an international regulation.

SWITZERLAND

23. It would probably be very difficult to lay down in the Convention any guarantees for ensuring that the reduction in hours of work would result in the employment of fresh workers with a view to maintaining or even increasing the volume of production. Such measures, if there are any which can be carried out in practice, should be left to national legislation. Would it be possible to prevent an undertaking whose output is decreased by the reduction of working hours, and whose business position is thus rendered difficult, from trying to restore equilibrium by having still further recourse to rationalisation?

As was pointed out above, some sort of guarantee would be provided if the introduction of shift work was facilitated and if the use of overtime over long periods was made more difficult. Another means would consist in close collaboration between the authorities which issue permits relating to hours of work of the undertaking or of the individual worker, and the authorities in charge of the employment exchanges. The employer might also be required to notify the employment exchanges in sufficient time if he intends to discharge workers.

YUGOSLAVIA

23. The Government considers it would be difficult to include in the Draft Convention any guarantees designed to affect the volume of production.

VIII. — EXCEPTIONS

24. Do you consider that the Draft Convention should provide for exceptions for accidents, actual or threatened, urgent work to machinery or plant, or in cases of *force majeure*, so far as may be necessary to avoid serious interference with the ordinary working of the establishment ?

25. (*a*) Do you consider that the Draft Convention should provide for exceptions for preparatory and complementary work and for certain classes of workers whose work is essentially intermittent ?

(*b*) Should the Draft Convention lay down

(i) a limit to the additional hours thus authorised; and

(ii) a maximum percentage of the total number of persons employed in the establishment, for the persons to whom these exceptions are to apply ?

What limit and what percentage do you propose ?

26. (*a*) Do you consider that the Draft Convention should provide for overtime for economic requirements ?

(*b*) Should the Draft Convention fix a numerical limit—and what limit—for such overtime ?

(*c*) Should a single general limit be fixed for industry (and/or commerce and offices) as a whole, or, subject to such a general limit, should special limits be fixed for certain industries, trades or activities ?
What limits do you propose ?

(*d*) Should provision be made for subdividing the allowance of overtime into fractions and for special conditions for the use of each fraction ?
What proposals have you to make in this connection ?

27. Do you consider that the Draft Convention should provide for increasing the rate of pay above the regular rate, for overtime performed in order to meet economic requirements ?
Do you consider that a flat rate or a progressive rate should be laid down for the extra pay, and what rate do you propose ?

28. Do you consider that the Draft Convention should contain special provisions for small establishments in respect of the amount of overtime, its arrangement and a special rate of extra pay therefor ? What provisions do you propose ?

29. Are there other cases for which you consider that exceptions should be provided in the Draft Convention ? If so, what proposals have you to make ?

AUSTRIA

24. The reply is in the affirmative.

25. (*a*) The reply is in the affirmative.

(*b*) The reply is in the negative.

26 to 29. Generally speaking, these matters should be dealt with in the same way as in the Draft Convention concerning hours of work in industry, the details being left to be settled by national laws or regulations. It would be desirable that the number of hours of overtime for economic requirements should be limited, a higher number being allowed, however, for small establishments.

BELGIUM

24 and 25. The Draft Convention must obviously provide for exceptions for accidents, actual or theratened, for urgent work to machinery or plant, and for cases of *force majeure*, for preparatory and complementary work, and for work which is essentially intermittent. The duration of the exceptions in case of accident, urgent work to machinery and plant, and *force majeure*, cannot be limited and must cover the time necessary to avoid interference with the ordinary working of the establishment. On the other hand, the exceptions allowed for preparatory and complementary work and for work which is essentially intermittent should be determined by the competent authority in each country after consultation with the employers' and workers' organisations.

26 and 27. The Draft Convention should provide for temporary exceptions in order to meet economic requirements. This exception should apply to all industrial or commercial undertakings, and should consist in the authorisation of an allowance of 150 hours of overtime a year, to be utilised at the rate of two hours a day, subject to the approval of the factory inspection service and to payment for the overtime at a rate increased by 25 per cent.

28. See the reply to Question 27.

29. In order to permit of the adoption of the " English week " or of the free Saturday, the management of an undertaking should be allowed, in agreement with the staff, to distribute the 40 hours over the first five days of the week, with a maximum of eight hours a day. Furthermore it is necessary that, as in the case of the Washington Convention, Governments which have ratified the Convention should be permitted to suspend it in the event of war or other emergency endangering national safety.

BULGARIA

24. The reply is in the affirmative.

25. (*a*) and (*b*) The reply is in the affirmative.

26. The reply is in the negative.

27. The reply is in the affirmative.

28. No reply is given.

29. No reply is given.

CANADA

MANITOBA

24. The reply is in the affirmative.

25. (*a*) The reply is in the affirmative.
(*b*) (i) and (ii) The replies are in the affirmative.
Eight hours per week. A percentage of fifty.

26. (*a*) The reply is in the negative.

27. Yes, flat rate.

28. All establishments should be on same basis.

29. The reply is in the negative.

SASKATCHEWAN

24. The reply is in the affirmative.

25. The reply is in the affirmative.
(i) The reply is in the affirmative.
(ii) The reply is in the affirmative.

26. (*a*) The reply is in the affirmative.
(*b*) The reply is in the affirmative.
(*c*) The reply is in the negative.
(*d*) The reply is in the affirmative.

27. Yes, a progressive rate.

28. The reply is in the negative.

29. No reply is given.

CHILE

24. The reply is in the affirmative.

25. (*b*) The reply is in the affirmative.

(*c*) The maximum limit for additional hours should be two in a day and the percentage of persons affected should not exceed ten.

26. It would be dangerous to permit overtime on these grounds, which are too elastic.

27. If overtime is permitted, provision should be made for payment at one and a half times the normal hourly rates.

28. The reply is in the negative.

29. The reply is in the negative.

DENMARK

24. Yes; the Draft Convention should provide for exceptions similar to those contained in Article 6 of the Washington Convention of 1919, and Article 7 of the Convention on hours of work in commerce and offices.

25. (i) The limits of such extensions should be similar to the provisions of Article 6 (last paragraph) of the Washington Convention and Article 7 (3) of the Convention on hours of work in commerce and offices.

(ii) It is hardly necessary to fix a maximum percentage.

26. (*a*) Yes; the Draft Convention should provide for overtime for economic requirements.

(*b*) The Government considers that a limit should be fixed to the amount of overtime; since a reduction in hours of work may however entail overtime under special conditions, so that the fixing of an absolute limit might give rise to difficulties, the Government considers that the best means of fixing limits would be to specify that indispensable overtime shall, except in special cases (e.g. repairs to machinery), be compensated by a corresponding reduction in normal working hours; on the other hand, all overtime that is not strictly necessary should be prohibited (see, in this connection, clause 5 of the Bill referred to above, dealing with the prohibition of overtime).

(*c*) See reply to (*b*) above.

(*d*) The Draft Convention should not lay down any absolute limit for overtime (see reply to (*b*) above); the reply is therefore in the negative.

27. Yes, in conformity with the principle laid down by the Washington Eight-Hour Day Convention, overtime should be remunerated at a higher rate. The Convention should specify that overtime rates should not be less than 25 per cent. above the normal rate; see Article 6 of the Washington Convention.

28. See the reply to Question 13.

29. The Government does not suggest any further exceptions.

Finland

24. The reply is in the affirmative.

25. (*a*) The reply is in the affirmative.

(*b*) The authorisation of exceptions should be left to be dealt with by the laws or regulations of each country.

26. A system under which the number of hours of overtime is limited has already been applied in Finland. If the hours of work are still further reduced, the number of hours of overtime will have to vary according to the requirements of the different industries. Overtime for economic requirements should therefore be provided for, the maximum number of hours of overtime being fixed with due regard to the requirements of each industry. The amount of overtime to be worked will depend in the first place on the normal hours of work.

27. The rate of pay for overtime should be fixed on a progressive scale, for example, beginning at 25 per cent. and rising to 100 per cent.

28. Small establishments should be excluded from the scope of the regulations.

29. No reply.

France

24. The reply is in the affirmative.

25. (*a*) The Government is of opinion that the Draft Convention should provide for exceptions in respect of preparatory and complementary work and for certain classes of workers whose work is essentially intermittent.

(*b*) In view of the diversity in the cases to which such exceptions would apply, it would seem to be difficult to fix a limit or a percentage applicable to all such cases. What ought to be done is to give, in the Convention, a precise definition of the work and of the classes of workers to which the exceptions should apply.

26. (*a*) The reply is in the affirmative.

(*b*) and (*c*) It would be desirable to fix a general limit and to permit of a certain number of additional hours being worked, up to a maximum to be fixed by the Convention, for certain classes of establishments the working of which is particularly liable to vary considerably in the course of the year. The general limit might be fixed at 60 hours.

(*d*) The allowance of additional hours might be divided into fractions. Any fraction of less than half-an-hour should, however, be reckoned against the allowance as a full half-hour. The number of additional hours per day should not exceed two.

27. The reply is in the affirmative. It would appear to be preferable to leave this matter to be settled by usage and by agreements between the employers' and workers' organisations concerned. The Convention should be restricted to laying down a minimum, which might be that fixed by the Washington Convention on the eight-hour day.

28. The reply is in the negative.

29. Exceptions might be allowed for work carried out in the interests of public safety or national defence or by a public service on the orders of the Government.

India

24 to 29. No reply is given.

Italy

24. It would be desirable to make provision for exceptions for accidents, actual or threatened, for urgent work to machinery or plant and for cases of *force majeure*, so far as may be strictly necessary to avoid serious interference with the ordinary working of the establishment.

25. The Draft Convention should also provide for exceptions for preparatory and complementary work and for classes of workers whose work is essentially intermittent, subject to conditions to be fixed by way of collective agreement between the occupational organisations concerned, approved by the competent authorities.

26. (*a*), (*b*), (*c*), (*d*) Overtime for economic requirements should be permitted up to a fixed maximum to be divided into fractions so as to allow employers to make use of the first fraction at their discretion, of the second fraction after authorisation by the competent authority, and of the third fraction after agreement between the occupational organisations concerned.

27. Overtime worked in order to meet economic requirements should be paid for at a rate 25 per cent. higher than the normal rate.

28. The provisions included in the Washington Convention appear to be sufficient to deal with the question of overtime in small establishments employing less than ten persons.

29. It might perhaps be necessary to provide for exceptions in the case of seasonal industries, subject to conditions to be fixed by collective agreement.

Latvia

24. The reply is in the affirmative.

25. (*a*) The reply is in the affirmative.

(*b*) The limit to the additional hours and the maximum percentage of persons affected should be left to be fixed by national legislation.

26. The Draft Convention should provide for overtime for economic requirements and the maximum amount of such overtime should be fixed according to the requirements of each industry taken separately, the amount of additional hours depending on the normal hours of work.

27. The rate of extra pay for additional hours worked to meet economic requirements should be graduated from 25 per cent. to 100 per cent.

28 and 29. Small establishments should be excluded from the Convention.

Netherlands

24. The reply is in the affirmative.

25. (*a*) The reply is in the affirmative.

(*b*) (i) The additional hours should be limited to 12 per week.

(ii) Exceptions should be allowed for not more than one worker in ten.

26. (*a*) The reply is in the affirmative.

(*b*) The limits for overtime might be fixed as follows:

for workers aged from 14-15 years	8 hours per week
for workers aged 16-17 years	12 hours a week
for women aged 18 years and over	
for men aged 18 years and over	16 hours a week

subject to the condition that the overtime may not exceed 52, 78 and 104 hours respectively in a period of three months.

(*c*) A general limit would be sufficient.

(*d*) The Netherlands Labour Act makes no provision for the subdivision of the allowance of overtime into fractions.

27. The Government is of opinion that in general the public authorities ought not to interfere in regard to rates of wages. Moreover, as there is no definition of the word ' overtime ' it would often be very difficult to establish whether in any particular case overtime had been worked. The Government refers to its reply to Question 6 of the Report of the Tripartite Conference.

28. If the Convention applies to small establishments there is no particular reason why it should include special provisions as regards the amount of overtime in these establishments differing from those provided for large establishments.

29. Exceptions for urgent work, such as urgent repairs to vehicles, would also have to be provided for.

Norway

24. The reply is in the affirmative. Under the new National Industrial Recovery Codes in the United States it is sometimes forbidden to reduce the working of an undertaking below a certain number of hours per week. In some countries also the installation of new machinery has been prohibited except with the consent of the competent authorities. If it is desired to effect a substantial reduction in the number of unemployed it would be of the first importance to find a suitable method of formulating guarantees of this kind. The question presents such serious difficulties, however, that it is doubtful if it will be possible to arrive at a satisfactory regulation.

25. The Convention should provide for these exceptions as in the case of the Conventions previously adopted. The determination of the limits should be left to the competent national authorities.

26. The Draft Convention should allow for overtime in order to prevent damage to perishable products or products in course of manufacture, and also for unforeseen work. The special provisions dealing with the matter should be settled by national legislation: see the reply to Question 24.

27. The Draft Convention should provide for an increase in the rate of pay for overtime in conformity with the Draft Conventions already adopted.

28. The reply is in the negative.

29. It is thought desirable that the national authorities should be permitted to allow exceptions in the case of industries situated in sparsely populated districts, particularly for seasonal industries where the workers are temporarily housed in hutments.

Poland

24. The Convention should provide for exceptions for accidents, actual or threatened, urgent work to machinery or plant, and cases of *force majeure*, so far as may be necessary to avoid serious interference with the ordinary working of the establishment.

25 (*a*) The Convention should provide for exceptions for preparatory and complementary work and for certain classes of workers whose work is essentially intermittent.

(*b*) (i) The limit to these additional hours should be fixed at one hour a day for preparatory and complementary work, and at two hours a day for classes of workers whose work is essentially intermittent.

(ii) It would be preferable not to fix, for the persons to whom the exceptions are to apply, a maximum percentage of the total number of persons employed in the establishment, but simply to indicate that the percentage should be as low as possible.

26 (*a*), (*b*) and (*c*). The Draft Convention should lay down a general limit of 120 hours a year for overtime to meet economic requirements.

(*d*) The reply is in the negative.

27. The Draft Convention should provide for graduated increases of pay for overtime worked in order to meet economic requirements; for example, an increase of 25 per cent. for the first two hours beyond the normal hours, and 50 per cent. for subsequent hours, as well as for hours worked at night and on Sundays and public holidays.

28. The reply is in the negative.

29. The reply is in the negative.

SPAIN

24. Yes; *such provision is made in the Spanish legislation limiting* hours of work.

25. (*a*) Yes; such provision is made in the Spanish legislation limiting hours of work.

(*b*) (i) and (ii) Covered by the replies given to Questions 16 and 26.

26. (*a*) By way of rare exceptions and subject to the essential purpose of the Convention being kept in view and to prior consideration by the organisations of employers and workers concerned and of the authorities which in each country are responsible for the regulation of hours of work.

(*b*) Yes. Not more than two hours a day with a weekly and yearly average limit below that normally fixed.

(*c*) A general limit for all industries of a similar character and special limits for certain industries, for commerce and for special activities. In view of the fact that the necessity for exceptions depends upon national conditions, these limits might be fixed to correspond with those laid down by the national legislation in regard to the normal hours of work and in the manner and subject to the limits indicated above.

(*d*) Normally, overtime should be considered as having been fully worked even if the work is finished before the additional hours allowed have expired, except where work lasts for less than a half hour, in which case the fraction of the allowance to which the question refers might be allowed.

27. Yes. 25 per cent. for the first hour of overtime, 50 per cent. for the second hour and for night work where night work is not usual.

28. No. Family undertakings should be excluded from the scope of the Convention.

29. As already stated, establishments which employ less than three workers.

SWEDEN

24. The reply is in the affirmative.

25. It would be desirable to authorise an extension of the hours of work by seven hours a week as a maximum for preparatory and comple-

mentary work. As regards work which is essentially intermittent, in which connection special account should be taken of duties such as those of caretakers and watchmen and of service which consists in the worker holding himself at the disposal of the employer, exceptions should also be authorised, but it should be left to national laws or regulations to decide what these exceptions should be.

As was the case in regard to the exclusions from the scope of the Convention dealt with in Question 14, the diversity of conditions of employment in the various kinds of activities does not seem to make it possible to fix a maximum percentage as contemplated in this question.

26. The replies are in the affirmative to questions (*a*) and (*b*) and in the negative to question (*c*). As regards question (*d*), it appears to be desirable to provide for a subdivision of the allowance of overtime into fractions so as to prohibit the utilisation of more than a fixed number of hours during a fixed period.

It might be desirable to authorise a total of 120 hours of overtime a year, the employer being allowed to utilise 60 hours without special authorisation but not more than 20 hours in a month, or, perhaps, in a period of four weeks. The utilisation of the remaining 60 hours should be subject to authorisation by the competent authority, which might lay down certain stipulations as regards the distribution of these hours over certain periods and possibly also compliance with certain conditions.

27. In the Government's view, provisions regarding payment for overtime should not be included in the Conventions. The matter should rather be dealt with by the parties concerned through collective agreements.

28. In view of the reply given to Question 12, there does not appear to be any occasion to reply to these questions.

29. As indicated in the replies to Point III of the Preamble and to Question 12, the reduction of hours of work might entail, for certain undertakings, consequences which would compel them to limit or to cease working. In order to avoid such consequences, the replies above mentioned contemplate the possibility of allowing exceptions in such cases. In other cases also it will doubtless be desirable, in order to facilitate the application of a reduction of hours of work, to allow the competent authority the right, within certain limits, to authorise exceptions. This right might be limited, for example, to cases in which an exception which would not involve an undue extension of the hours of work was recognised as necessary in order to avoid serious inconveniences, and in which the great majority of the workers concerned considered the exception desirable.

Switzerland

24. The reply to this question is in the affirmative.

25. (*a*) The reply to this question is also in the affirmative.

(*b*) (i) It is difficult to fix any definite limit. The Swiss Factory Act lays down the principle that work of this kind (subsidiary work) should only take such time as is strictly necessary. It also requires that where work of this kind is not done every day, and the worker has to carry it out in addition to his normal work, he must have a full compensatory rest period on the day before or the day after, if the entire working day was longer than the hours. It further lays down that

workers employed on accessory work which is done every day must have an uninterrupted rest period between every two days which must be of eleven hours on an average and part of which must fall during the night. A similar system might be contemplated here and the rest period could, if necessary, be raised to twelve hours.

(ii) The Swiss Government is not in favour of fixing a maximum percentage of the total number of persons employed in the establishment, as conditions and requirements differ greatly between one undertaking and another. The restriction proposed under paragraph (i) above as regards the hours for the work in question, might be taken as a model for this point and the Draft Convention might lay down that only such staff as is strictly necessary should be employed on work of this kind. In addition, a distinction might perhaps be made between kinds of work which are automatically recognised as falling under this heading in all establishments or classes of establishments and other kinds of work for which special authorisation would be necessary. This again is the system which exists under Swiss law.

26. (*a*) Overtime should certainly be allowed for economic requirements. The need for overtime exists even under the 48-hour week and would of course be still greater with a 40-hour week. Experience during the present depression shows that even during periods of economic depression it is impossible to dispense with temporary prolongations of hours of work.

(*b*) It is thought desirable to fix a numerical limit for overtime. It might be fixed per day, per week or per year. There are practical reasons in favour of fixing it both per day and per year. The limits laid down by the existing Swiss Factory Act are as follows: in any undertaking or part of an undertaking, two hours per day (or longer in urgent cases) on 80 days in the year, not including Saturdays and the days preceding public holidays. If full use were made of all the facilities thus provided—which practically never happens—the result would be about 160 hours for each worker (not including a certain number of hours on Saturdays and the days preceding public holidays). It is true that the limitation laid down by the Act does not relate to the individual worker but, as was stated above, to the undertaking or part of the undertaking. It is thought that the Convention should fix the limit at about 240 hours per year and should lay it down as a limit per worker, but that it should maintain the maximum of 140 hours for women, which is established by the Berne Convention of 1913. In the Swiss Government's view, overtime should always be of an additional character, that is, it might be applied even when the daily working hours were already longer than the normal as the result of provisions allowing for compensation as between different seasons or different weeks.

It is thought that the daily maximum for overtime should be two hours with a possibility of longer hours in urgent cases.

(*c*) The Swiss Government is in favour of a general limit on the understanding that national legislation would be left free, if necessary, to fix special limits for certain industries or activities within the general limit.

(*d*) The Swiss Government could agree to a provision for subdividing the allowance of overtime into fractions. Each employer would be free to use part of the allowance at his own discretion without special permission, though he would be required to report such cases to the

supervising authorities. If he wished to use the remaining fraction of the allowance, he would require a permit from the authorities. To obtain such a permit he would have to show that it was impossible to meet the extra pressure of work by engaging additional staff. It is thought that the fraction which could be used without a permit might be fixed at 80 hours and the other fraction at 160 hours.

27. The reply to this point is in the affirmative; the Swiss Government considers that increased rates of pay should be given for overtime and it proposes a flat rate of 25 per cent. It might perhaps be considered whether the fraction of the allowance of overtime which may be used without a permit should not be exempted from the additional rates of pay, as owing to the great reduction of normal working hours which the Convention would effect, the need for overtime would be greater than at present. The overtime for which increased rates of pay were due would be the overtime which exceeds the weekly hours of work at present allowed.

28. It is not thought that special provisions in respect of overtime are necessary for small establishments, as in the Swiss Government's view such establishments should either be absolutely excluded from the Convention or should be allowed special normal working hours. If, however, the working week allowed to them was much higher than 40 hours, it would also be necessary to contemplate a special system for overtime.

29. The Swiss Government has no proposals to make.

Yugoslavia

24. The Draft Convention should provide for exceptions for accident, actual or threatened, urgent work to machinery or plant, or cases of *force majeure*, but only so far as may be necessary to avoid serious interference with the ordinary working of the establishment.

25. The Draft Convention should provide for exceptions in respect of preparatory or complementary work, that is, work which must be done outside the normal working hours in order to ensure the proper working of the undertaking. The Draft Convention should also provide exceptions for workers whose work is essentially intermittent, that is, workers not engaged directly in production, whose work is by its nature interrupted by long spells of inactivity requiring neither physical exertion nor sustained attention, during which they are required merely to remain at their posts to be ready for duty when called upon. It should be left to the discretion of the competent national authorities to fix the maximum working hours for work of this character.

26. The Draft Convention should provide for the possibility of working overtime to meet economic requirements. The general limit for such overtime might be fixed at 60 hours per annum; but in the case of certain industries, which are subject to special requirements, it might be fixed at 120 hours per annum. The competent national authorities should be empowered to authorise overtime to meet economic requirements, within the above limits and after consultation with the occupational organisations concerned, in cases where they consider such overtime necessary. The competent national authorities should also be empowered to grant temporary authorisations for additional overtime in

cases of emergency in which it is materially impossible to engage additional workers, provided, however, that no individual worker should work more than 60 extra hours per annum. To render these provisions more flexible, provision should be made for the possibility of special extensions beyond these limits by collective agreement, but subject to the approval of the competent national authorities.

27. The Draft Convention should provide that overtime should be paid for at a rate at least 25 per cent. above the normal rate.

28. Small establishments should be excluded from the Draft Convention.

29. The Government has no proposals to make on this point.

IX — General Measures for Enforcement and Supervision

30. Do you consider that the Draft Convention should specify measures to be taken to facilitate its enforcement in the individual country ? Should it, for example, be made obligatory on every employer

(*a*) To notify by the posting of notices or by such other methods as may be approved by public authority

(i) the system of arrangement of hours of work in operation and the measures taken for applying this system;

(ii) the hours at which work begins and ends, and, where work is carried on by shifts, the hours at which each shift begins and ends;

(iii) the rest periods not included in hours of work;

(*b*) To keep a record in a form approved by public authority of all overtime performed in virtue of the exceptions authorised, and of the amount of extra pay, if any, paid in respect thereof ?

(*c*) Do you propose any other, and what, measures ?

31. Do you consider that, with a view to facilitating international supervision of the enforcement of the Draft Convention, the latter should contain provisions specifying certain particulars to be given in the annual reports provided for in Article 408 of the Treaty ? What particulars do you propose ?

Austria

30 and 31. The replies are in the affirmative.

Belgium

30 and 31. The Draft Convention, if it is to be effective, must specify as measures of enforcement and supervision:

(*a*) the posting up of the times at which working periods and rest periods begin and end;

(*b*) the keeping of a register, in a form approved by the competent authority, of the overtime worked each day by each worker, and of the amount of extra pay given therefor.

Bulgaria

30. The reply is in the affirmative.

31. No reply is given.

Canada

Manitoba

30. The reply is in the negative.

31. The reply is in the negative.

Saskatchewan

30. The reply is in the affirmative.

(*a*) The reply is in the affirmative.

(*b*) The reply is in the affirmative.

31. No reply is given.

Chile

30. Provision should be made for all the measures referred to in this question.

31. Yes, although not strictly indispensable.

Denmark

30. The Government recommends that the measures to be taken for this purpose should be specified. The obligations referred to under (*a*) and (*b*) should apply to all undertakings.

(*c*) The Government does not suggest any other measures.

31. Each Government should include in the annual reports on the working of the Convention to be furnished to the International Labour Office information relating to:

(i) the extent of the general reduction of hours to forty per week;
(ii) the exceptions made;
(iii) the methods by which a reduction of working hours has been effected;
(iv) the extent to which overtime is worked;
(v) the rates paid for overtime.

Finland

30. The measures suggested in the question are considered desirable.

31. There would be some difficulty in furnishing detailed information regarding the arrangement of hours of work, but the communication of certain general information would be desirable.

France

30. In addition to the measures specified under (*a*) and (*b*), with which it entirely agrees, the Government proposes the following additional measures:

Where work is organised in successive shifts, the head of the establishment should notify, by posting up placards or in any other way approved by the public authority, the names of the workers employed on each shift.

Where additional hours are being worked in virtue of a notification or authorisation, a copy of the notification or authorisation should be posted up in the place where the additional hours are being worked.

31. The Government is of opinion that the annual reports provided for by Article 408 of the Treaty of Versailles should contain all necessary information concerning the measures taken to regulate hours of work in accordance with the Draft Convention or Conventions and the result of such measures. In particular, the information should include detailed statistics of the exceptions of which advantage is taken and of breaches of the provisions of the Convention.

India

30 and 31. No reply is given.

Italy

30. The Draft Convention should lay down certain minimum requirements in order to ensure the general and precise application of its provisions and for this purpose it should be made obligatory on every employer (*a*) to notify by posting up in a place accessible to the whole staff: (i) the system of arrangement of hours of work in operation and the measures taken for applying this system; (ii) the hours at which work begins and ends and, if work is carried on by shifts, the hours at which each shift begins and ends; (iii) the length of the rest intervals not included in hours of work; (*b*) to keep a record in a form approved by the competent authorities of all overtime worked and of the amount of extra pay given in respect thereof.

31. It might also be necessary to prescribe that States ratifying the Convention should communicate to the International Labour Office, when furnishing the annual reports provided for in Article 408 of the Treaty of Versailles, information on the points which are left by the Convention to be settled by national legislation and, more particularly, by agreement between the occupational organisations.

Latvia

30. The reply is in the affirmative.

31. With a view to facilitating international supervision of the enforcement of the Draft Convention, the annual reports required by Article 408 of the Treaty of Peace should contain particulars concerning the methods of arranging hours of work.

NETHERLANDS

30. It would be desirable that provisions designed to facilitate enforcement in each country should be included in the Convention.

(*a*) The measures mentioned may be considered as effective.

(*b*) There is no real objection to imposing the obligation to keep a record in respect of the matters mentioned provided that this does not impose upon employers a considerable increase in administrative work. It would perhaps be preferable that the Convention should leave the establishment of effective measures of enforcement to be dealt with by the States.

31. If the provisions contemplated in this question would really help to facilitate international supervision of the application of the Convention it would certainly be desirable to include such provisions in the Convention. The annual reports of the Netherlands Labour Inspection Service already include data concerning overtime authorised. Nevertheless, having regard to the financial situation in the various countries care must be taken lest the obligation to include too detailed information in the annual reports should lead to a considerable increase in the burden of administrative work.

NORWAY

30. The reply is in the affirmative.

31. It seems difficult to specify what information the annual reports should contain beyond that provided for by Article 408.

POLAND

30. The reply is in the affirmative.

31. With a view to facilitating international supervision of the enforcement of the Convention, it should contain provisions specifying certain particulars to be included in the annual reports provided for in Article 408 of the Treaty of Peace. These particulars should be such as to show the extent of the application of the Convention, the arrangements of hours of work adopted, and the effect of the application of the Convention in regard to increasing the number of persons employed.

SPAIN.

30. The reply is in the affirmative.

(*a*) (i) (ii) and (iii). The reply is in the affirmative. These measures are prescribed in the Spanish legislation.

(*b*) Yes. This obligation should be imposed, although it is the normal practice in Spanish industrial centres.

(*c*) The reply in the negative.

31. Yes; an annual report.

SWEDEN

30. The measures indicated appear desirable and sufficient.

31. It does not seem necessary that the Draft Convention should contain provisions of the character here indicated. The form of the reports to be furnished under Article 408 of the Treaty of Peace has to be determined by the Governing Body of the International Labour Office, which will no doubt take account of the requirements of international supervision.

SWITZERLAND

30. It is thought that the Draft Convention should specify measures to be taken to facilitate its enforcement in each country.

(*a*) The Swiss Government agrees to the measures mentioned under (*a*).

(*b*) The Swiss Government is in favour of the keeping of a record of all overtime performed, including overtime at the discretion of the employer and overtime for which a permit is required, as well as the amount of extra pay paid in respect thereof. It might be considered whether the lists of extra pay could not be drawn up in such a way as to make the record unnecessary.

(*c*) It is proposed that the employer should be required to notify the supervisory authorities when he makes use of the overtime for which no permit is required.

31. The Swiss Government has nothing to propose.

YUGOSLAVIA

30. The Draft Convention should specify the measures to be taken to ensure its enforcement, particularly as regards supplying the workers with necessary information, and keeping a record of overtime.

31. Governments should be required to inform the International Labour Office of the regulations issued for the application of the Convention, of the authorisations granted within the scope of its provisions, and of the terms of all collective agreements relating thereto.

X. — GEOGRAPHICAL EXTENT OF THE REGULATIONS

32. Do you consider that the Draft Convention should apply to all States Members of the International Labour Organisation ?

33. Do you consider that provision should be made for some procedure for associating States non-Members of the Organisation in the application of the Draft Convention ?

AUSTRIA

32 and 33. The replies are in the affirmative.

Belgium

32 and 33. The Draft Convention should obviously apply to all the States Members of the International Labour Organisation. Moreover, it should contain provision for associating States non-Members of the Organisation in the application of the Convention.

Bulgaria

32 and 33. The replies are in the affirmative.

Canada

Manitoba

32. The reply is in the affirmative.

33. The reply is in the affirmative.

Saskatchewan

32. The reply is in the affirmative.

33. The reply is in the affirmative.

Chile

32. The reply is in the affirmative.

33. The reply is in the affirmative.

Denmark

32. The reply is in the affirmative.

33. The reply is in the affirmative.

Finland

32. The Draft Convention should take account of the special conditions in different countries, as is provided for in the Constitution of the International Labour Organisation.

33. The reply is in the affirmative.

France

32 and 33. The replies are in the affirmative.

India

32 and 33. No reply is given.

Italy

32. The Draft Convention should be of general application and therefore should apply to all States Members of the International Labour Organisation.

33. Provision should also be made for a special procedure which would enable States which are not Members of the Organisation to apply the Convention.

Latvia

32. The Draft Convention should apply to the States Members of the International Labour Organisation in accordance with the Charter of the Organisation, which provides also for special conditions for different countries.

33. The reply is in the affirmative.

Netherlands

32. The Government is not sufficiently clear as to the intention of this question. If the question is whether certain States should, *a priori*, be excluded from ratifying the Convention, the reply is in the negative.

33. The reply is in the affirmative.

Norway

32. The reply is in the affirmative.

33. The reply is in the affirmative.

Poland

32. It is indispensable that the Convention should apply to all the States Members of the International Labour Organisation.

33. A Convention of such economic importance would run the risk of being ratified by only a limited number of States, if States which are not Members of the Organisation, particularly those of great industrial importance, were not associated with it. It would be desirable, therefore, that provision should be made for some procedure which would permit these States to adhere to the Convention, and which would facilitate the raising of the question with them.

Spain

32. The reply is in the affirmative.

33. The reply is in the affirmative.

SWEDEN

32. The reply is in the affirmative.

33. If it should be possible to devise a procedure which would be likely to achieve the desired object, provisions relating to it should be included in the Draft Convention.

SWITZERLAND

32. The reply is in the affirmative.

33. It is considered indispensable that certain industrial countries which do not belong to the Organisation should also apply the Convention.

YUGOSLAVIA

32 and 33. The Draft Convention should be ratified by as many as possible of the countries that are important competitors in the international market.

There should be some procedure for associating States that are not members of the Organisation in the application of the Draft Convention.

XI. — SPECIAL SYSTEMS FOR CERTAIN COUNTRIES

34. Do you consider that the Draft Convention should provide for special systems for certain countries, in particular Asiatic countries ?
If so, what proposals have you to make in this connection ?

AUSTRIA

34. The reply is in the negative.

BELGIUM

34. Certain States might, if they showed that they were undeveloped or that their technical organisation was clearly not up to the level of that of other countries, be given the benefit of special systems.

BULGARIA

34. No reply is given.

CANADA

MANITOBA

34. No suggestions.

SASKATCHEWAN.

34. The reply is in the affirmative.

CHILE

34. Whenever justified by an imperative necessity for adaptation to exceptional conditions.

DENMARK

34. The Government does not consider it necessary to suggest any special systems.

FINLAND

34. No reply.

FRANCE

34. Since the Draft Convention is intended to place on a footing of equality as regards hours of work all the countries which enter into competition with one another, it does not seem possible to provide for special arrangements for certain of these countries.

INDIA

34. No useful purpose would be served by making special provisions for Asiatic countries. India is the only Asiatic country which has hitherto ratified the Washington Hours Convention and until other Asiatic countries have attained that standard, there is little possibility of securing agreement between them regarding further reductions.

ITALY

34. The international regulations should not provide for any special system for any country, whether European or extra-European.

LATVIA

34. No reply is given.

NETHERLANDS

34. In view of the fact that production in the Asiatic countries is now also almost entirely a question of machine production and that the capacity of the individual worker has only a steadily diminishing influence upon production, there is no sufficient reason to provide for special systems for these countries.

NORWAY

34. The reply is in the negative.

POLAND

34. The reply is in the negative.

SPAIN

34. Yes. But this affirmative reply is clearly not to be taken as implying that the Convention should include provisions which would permit of unfair economic competition or a lack of genuine protection for the workers in the countries concerned.

SWEDEN

34. In view of the progress of industrialisation and other circumstances which may rapidly alter the conditions in which a country is a competitor in the world market, care should be exercised as regards the recognition of special systems implying a less rigorous regulation.

SWITZERLAND

34. The Swiss Government is definitely opposed to any special systems whatever for particular countries. The industrial situation throughout the world has now become such that no country is any longer justified in claiming special treatment.

YUGOSLAVIA

34. This question does not apply to Yugoslavia.

XII. — COMING INTO FORCE AND DURATION OF THE REGULATIONS

35. On what number of ratifications should the coming into force of the Convention be made conditional—two, as is normally provided for in the international labour Conventions, or a larger number ?

36. What interval do you consider should be provided for between registration of the necessary number of ratifications and the actual coming into force of the Convention—interval of twelve months, as is normally provided for, or a shorter interval ?

37. What do you consider should be the period on the expiration of which any Member which has ratified the Convention may denounce it—period of ten years from the date on which the Convention first comes into force, as is normally provided for, or a shorter period ?

38. Do you consider that each Member should be allowed to denounce the Convention individually, or that denunciation should be made conditional upon a collective decision ? In the latter case, what procedure do you propose ?

39. What do you consider should be the period on the expiration of which the total or partial revision of the Convention should be considered by the Governing Body—period of ten years after the Convention first comes into force, as is normally provided for, or a shorter period ?

Austria

35. The coming into force of the Convention should be conditional on its ratification by the most important industrial States, which should be named in the Convention.

36. The Convention should come into force after the usual interval of twelve months, reckoned from the date of registration of the required number of ratifications.

37 and 38. Member States which have ratified the Convention should be allowed to denounce it, but only by a collective decision, after a period of three years.

39. As the matter is one in which there is no sufficient experience available, the period at the expiration of which the question of revision of the Convention should be examined by the Governing Body should be shorter than the normal period of ten years.

Belgium

35 and 36. The adherence of the Belgian Government to the Draft Convention would be subject to the following conditions: (1) the question of the stabilisation of wages and salaries should be excluded from the Convention; (2) as was intimated by the Belgian Government at the time of the Preparatory Technical Conference, prior ratification should be required of the eight States of chief industrial importance, namely, Belgium, Canada, France, Germany, Great Britain, India, Italy and Japan. The Draft Convention should come into force six months after the registration of these ratifications, subject to the condition that its coming into force should be simultaneous in the eight States above mentioned; (3) the duration of the Convention should be limited to three years.

37. Any Member which has ratified the Convention should be at liberty to denounce it at the expiration of a period of three years from the date of its coming into force.

38. Individual denunciation should be possible. It should be understood, moreover, that the ratification and putting into force of the Convention would entail merely the suspension of the Washington Convention for those countries already bound by it.

39. The question of the total or partial revision of the Convention should be considered by the Governing Body at the expiration of a period of three years from the date of its first coming into force.

BULGARIA

35. Two ratifications.

36. An interval of twelve months.

37. Each member should be at liberty to denounce the Convention at any time.

38. Each member should be allowed to denounce the Convention individually.

39. The question should be considered whenever the Governing Body considers necessary.

CANADA

MANITOBA

35. No suggestions.

36. Twelve months.

37. Five years.

38. No suggestions.

39. No suggestion.

SASKATCHEWAN

35. Two ratifications.

36. An interval of twelve months.

37. A shorter period.

38. The reply is in the affirmative.

39. A shorter period.

CHILE

35. The normal number of ratifications.

36. A space of six months.

37. A period of ten years.

38. Individually.

39. The normal period of ten years.

DENMARK

35. The Government does not recommend that the coming into force of the Convention should be made conditional on a number of ratifications in excess of the number usually required for International Labour Conventions.

36. The Convention should come into force as soon as possible; and the period for this purpose should be substantially shorter than usual, e.g. three months.

37. This question presupposes that the period of validity of the Convention is not limited; see in this connection the reply to Question 8. The usual period should be substantially reduced and should, in the Government's opinion, be fixed at three years.

38. Each State Member should be at liberty to denounce the Convention individually.

39. As the provisions in question are definitely of an experimental character, the question of revision should be examined at the expiration of a short period after the Convention comes into force; the Government suggests a period of two or three years.

Finland

35. The Draft Convention should provide for its simultaneous ratification by the most important industrial countries, and in any event its coming into force should be conditional on its ratification by several countries.

36. The normal period of twelve months seems desirable in order that the employers may adapt their arrangements to the new rules.

37. The reply to this question is dependent on the period of validity of the Convention. If its validity is not limited, the period on the expiration of which it may be denounced should be shorter than usual.

38. Each Member should be allowed to denounce the Convention individually.

39. The question of revision should be examined before the expiration of the period of ten years if the Governing Body thinks fit.

France

35. From the statements made by the delegates of the majority of Governments, and from the experience of the Convention concerning hours of work in coal mines, it seems to follow that Governments will contemplate ratifying and putting the Convention into force only if they have an assurance that it will be ratified and put into force simultaneously by the Governments of the States with which they are in economic competition. The Convention should therefore provide a procedure for ensuring its simultaneous ratification and putting into force.

36. Inasmuch as the purpose of the Draft Convention or Conventions would be in part to remedy the existing unemployment crisis, the Convention might come into force after a shorter period than is usually provided for, this period being reckoned from the time when the condition to which its coming into force is subject has been fulfilled.

37. The reply to this question is linked up with the reply given to Question 8.

38. If, as is suggested in the reply to Question 35, measures are taken to ensure simultaneous ratification and putting into force of the Draft Convention or Conventions, it follows that denunciation by one of the States should entitle the other States to denounce the Convention within the same period.

39. The question of total or partial revision of the Convention should, as in the case of other Conventions, be examined by the Governing Body at the expiration of its period of validity.

India

35. A substantial number of ratifications, e.g. 10, should be a condition for the coming into force of the Convention.

36. If the necessary number of ratifications is fixed sufficiently high, it should not be necessary to prescribe any interval.

37. If the Convention was for a short period only as has been suggested and expired automatically at the end of that period it would be unnecessary to provide for its denunciation.

38 and 39. No reply is given.

Italy

35. The coming into force of the Convention should be conditional on its ratification by the chief industrial States, including the extra-European States.

36. If the Convention has been ratified by the States above mentioned, it might come into force after an interval shorter than that normally prescribed for other Conventions. The period might in this case be reduced to six months.

37. As has been stated in reply to Question 8, the period of validity of the Convention should not be longer than two or three years, at the expiration of which the Convention might be denounced or renewed for a further period of equal or shorter duration.

38. Each State should be allowed to denounce the Convention individually, but since its coming into force would be conditional upon ratification by the States of chief industrial importance, denunciation by any one of them would necessarily entail the lapsing of the Convention itself.

39. For the purpose of consideration by the Governing Body of the International Labour Office of the question of the total or partial revision of the Convention, the same period might be fixed as is fixed for the duration of the Convention.

Latvia

35. The coming into force of the Draft Convention should be conditional on simultaneous ratification by the countries designated by the League of Nations as the most important industrial countries.

36. An interval of twelve months, as is usually provided.

37. The period after which the Convention may be denounced should be shorter than in the case of the Conventions hitherto adopted.

38. Each Member should be able to denounce the Convention individually.

39. The question of total or partial revision of the Convention should be examined by the Governing Body before the expiration of the period of ten years if the Governing Body considers it necessary.

Netherlands

35. In view of the fact that no State is bound to apply the Convention until it has ratified it, the Government is of opinion that it is of little importance whether the number of ratifications to which the coming into force of the Convention is made conditional is fixed at two or at a higher number.

36. The Government starts from the point of view (see reply to Question 2) that the Convention should be designed only to relieve unemployment due to the crisis, and hence should be a temporary measure for the crisis. It follows that it might be provided that the Convention should come into force three months after the registration of the necessary number of ratifications.

37. The Government is of opinion (see also reply to Question 8) that for the moment the Convention should only be of short duration —twelve months at most. Further, if the duration of the Convention should be prolonged the States which have ratified it should not be automatically bound for a further period, but should have the right to decide whether at the expiration of the twelve months they desire to enforce the Convention for a further period of twelve months. If this procedure were provided for in the Convention, no provision would be necessary concerning denunciation before the expiry of the period.

38 and 39. These questions are covered by the reply to Question 37.

Norway

35. The Convention should come into force after two ratifications. The attitude of Norway will depend upon that taken up by the countries which compete with Norwegian industries.

36. The normal interval of twelve months.

37. As the reduction of hours of work should only be a transitory measure due to the world crisis, it is thought desirable to allow denunciation after a shorter period than the normal.

38. Each Member should be allowed to denounce the Convention individually.

39. The question of revision should be considered by the Governing Body before the expiration of the period of ten years if the Governing Body should deem consideration desirable.

POLAND

35. The coming into force of the Convention should be made conditional on ratification by the following countries: Austria, Belgium, Czechoslovakia, France, Germany, Great Britain, Italy, the Netherlands and Poland and, so far as possible, Japan.

36. The period subsequent to ratification by the States abovementioned after which the Convention should actually come into force should not exceed six months.

37. The period on the expiration of which the Convention may be denounced should be fixed at two or three years after the date on which it first comes into force.

38. Each Member should be allowed to denounce the Convention individually.

39. The question of total or partial revision of the Convention should be considered by the Governing Body two or three years after the date on which it first comes into force.

SPAIN

35. Three ratifications at least, but it might be desirable to indicate whether these should be ratifications by countries of a certain importance industrially.

36. Twelve months.

37. The Convention might be denounced at the expiration of a shorter period than the usual period of ten years; for example, after the expiration of five years.

38. Each Member should be allowed to denounce the Convention individually. If, however, the coming into force of the Convention is made dependent upon a larger number of ratifications than three, this would be tantamount to a collective decision as regards the coming into force of the Convention, and in that case a collective decision, arrived at by a special meeting of representatives of the States concerned, might be required for the denunciation of the Convention before the expiration of the period fixed for individual denunciation. To effect denunciation by this method it would be sufficient for an agreement to be reached by a majority of the States which are of chief industrial importance, according to the classification adopted by the League of Nations.

39. The fixing of the period for revision will depend upon what the Conference decides in regard to the preceding questions.

SWEDEN

35. As has been already stated, Sweden will be able to adhere to the Convention only if it is also ratified by all the States whose products are in more or less substantial competition with those of Swedish industry. As every country has an interest in the Convention not becoming binding on it before it has been ratified by other important industrial countries,

it is suggested that the coming into force of the Convention might be made conditional on its ratification by four of the principal industrial countries which are Members of the International Labour Organisation.

36. Twelve months.

37. In view of the hesitancy in regard to the proposed reform which is manifested in certain quarters, it would perhaps be desirable to allow for denunciation of the Convention at the end of five years.

38. For the same reason as is given in the reply to the preceding question, it would be desirable to give each Member the right to denounce the Convention individually.

39. The normal period, that is to say, 10 years.

Switzerland

35. If Switzerland is to ratify the Convention it is necessary that all the industrial States with which it has to compete on the world market should ratify at the same time.

36. It is hardly thought possible to allow a shorter interval than the normal one.

37. As the Convention is being considered on account of the present economic depression, and in view of the economic consequences which it may involve, a shorter period than usual should be fixed for its denunciation. A period of three years is proposed.

38. Each Member should be allowed to denounce the Convention individually.

39. In this case also a shorter period should be fixed, e.g. five years.

Yugoslavia

35. The coming into force of the Convention should be subject to its ratification by a certain number of the countries most directly affected.

36. If the above condition is complied with, the Convention should come into force after a shorter interval than is normally the case.

37. The Convention should have a period of validity of three years, subject to renewal.

38. States members should be allowed to denounce the Convention individually, as this would facilitate ratification.

39. In view of the general character of the Convention, the possibility of its revision should be taken into consideration after a period of three years.

XIII. — Technological Unemployment

40. Do you consider it desirable that the Conference should adopt a Recommendation or a Resolution inviting Governments to communicate to the International Labour Office information on the development of technological unemployment, having regard *inter alia* to the volume of production and the number of workers employed at different dates ?

If so, what proposals do you make for the international organisation of such an enquiry ?

Austria

40. The compilation of information concerning technological unemployment calls for extensive investigations, for which as a rule the existing administrative machinery would not suffice. Any further burden on the public finances ought, however, to be avoided so far as possible.

Belgium

40. It is desirable that the Conference should adopt a Recommendation inviting Governments to communicate to the International Labour Office information on the development of technological unemployment, having regard, among other things, to the volume of production and the number of workers employed on different dates. For this purpose it would be expedient to invite Governments to direct their factory inspection services to undertake an enquiry in collaboration with the employers' and workers' organisations and in accordance with a plan to be drawn up in advance by the Governing Body.

Bulgaria

40. The reply is in the affirmative.

Canada

Manitoba

40. No suggestion.

Saskatchewan

40. The reply is in the affirmative.

Chile

40. Yes; the enquiry might cover *inter alia* the following points:
volume of production per industry;
percentage of wages in cost of production;
total number of persons employed;
total number of persons unemployed;
causes of any increase in unemployment in individual industries;
effect of the reduction of hours of work on the volume of output.

DENMARK

40. Yes; the Government considers that a Recommendation on these lines should be adopted.

The Government is not at present in a position to make any proposals for the organisation of an international enquiry of this description.

FINLAND

40. It is not necessary, and indeed is not possible, completely to separate technological unemployment from other unemployment, but information concerning it might be included, where circumstances permit, in the information furnished periodically to the International Labour Office.

FRANCE

40. The Government sees nothing but advantage in the adoption of a Recommendation or a Resolution inviting Governments to communicate to the International Labour Office information which would permit, as far as possible, of measuring the extent of technological unemployment and its development. It would be for the Governing Body to determine the kind of information required, which it would be difficult to define in a Recommendation or Resolution.

INDIA

40. The Government of India are not in favour of a Recommendation on this subject. They see no great objection to a Resolution upon it.

ITALY

40. It would be desirable that the Conference should adopt a Recommendation inviting Governments to communicate to the International Labour Office information on technological unemployment in the various countries, having regard among other things to the volume of production and the number of workers employed. This information should be furnished in reply to a suitable questionnaire issued by the International Labour Office after approval by the Governing Body on the proposition of a special committee set up for the purpose.

LATVIA

40. The Government is of opinion that the Conference should adopt a Recommendation notifying Governments to communicate to the International Labour Office: (1) All available information on the development of technological unemployment; (2) information on seasonal unemployment, and (3) all available data concerning production and the number of workers employed on different dates.

NETHERLANDS

40. There is no objection to the collection of data concerning the volume of production and the number of workers employed at different dates. The enquiries necessary for the collection of these data, should however, be of a simple character and ought not to impose any considerable expenditure upon the States.

The Government nevertheless is inclined to doubt whether this information will serve to give a true picture of technological unemployment. On the other hand, it recognises the great importance of trying to obtain such a true picture and is prepared to do what it can in collaboration with the International Labour Office to achieve this end.

Norway

40. The International Labour Office should submit a detailed draft regarding the information to be given before provisions dealing with this subject are decided upon.

Poland

40. The Conference should adopt a resolution inviting Governments to communicate to the International Labour Office information on the development of technological unemployment.

Spain

40. The reply is in the affirmative.

Sweden

40. As the Government has already stated, it would hardly be possible to give precise information concerning technological unemployment, in view of the difficulty of distinguishing this form of unemployment from cyclical unemployment, but it goes without saying that information concerning the volume of production and the number of workers employed at different dates and in different undertakings might be useful in the consideration of questions concerning technological unemployment, and Sweden would be able to furnish such information without serious difficulty.

Switzerland

40. There can be no doubt that sufficient information concerning the development of what is called technological unemployment is not yet available. The problem undoubtedly demands the attention of the International Labour Office, and the Office should be assisted in its efforts to study and throw light on the problem.

Yugoslavia

40. It would be desirable to adopt a Recommendation inviting Governments to communicate to the International Labour Office information on the development of technological unemployment.

CHAPTER II

SURVEY OF THE PROBLEM IN THE LIGHT OF THE REPLIES OF THE GOVERNMENTS

In this Chapter an endeavour will be made to analyse and compare the replies of the Governments to the questions addressed to them with a view to bringing out the measure of agreement among them on the various aspects of the problem and so arriving at the conclusions upon which must be based the proposals that the Office is required by the Standing Orders to submit to the Conference. The order followed will, with some slight variations, be the same as that adopted in the preceding Chapter.

I. — The Preamble

REPLIES ON PAGES 13 TO 37

The Seventeenth Session of the Conference decided to prefix to a Questionnaire in the usual form a Preamble inviting Governments to furnish their views and information for their respective countries on a series of general questions relating to the existing situation in regard to unemployment and the reactions to which a reduction of hours of work to forty a week might give rise. It recognised, however, that all Governments might not find it possible, in the time available, to furnish complete replies to this Preamble. In fact, only one-third of the Governments that have replied to the Questionnaire and scarcely one-half of those that have replied in detail have been in a position to preface their replies to the Questionnaire by a discussion of the various matters included in the Preamble. No doubt by the time the Conference meets other Governments will be able to add to the material furnished by the Governments whose replies to the Preamble are reproduced in the preceding chapter.

While it is true that there has so far been only a limited response to the invitation addressed to the Governments, it must be borne in mind that the purpose in view was not to ascertain whether there would be a majority in favour of detailed proposals, as in the case of the Questionnaire, but to elicit facts and views on certain general aspects of the problem before the Conference. For this purpose the material furnished by the Governments of Belgium,

Chile, Finland, Latvia, the Netherlands, Norway, Sweden, Switzerland and Yugoslavia and also the general observations prefixed by certain Governments, such as that of India, to the replies to the Questionnaire itself, will undoubtedly receive from the delegates to the Conference the attention which its importance merits.

The Office must, of course, leave it to the Conference to weigh the arguments and data contained in these statements, which it would be difficult, if not impossible, to summarise even inadequately in a few lines in the present chapter. It may, however, be permissible to endeavour to formulate certain reflections to which a study of this material would seem to lead.

In the first place, the information furnished by these Governments reveals once again the fact that the problem of unemployment remains one of the utmost gravity, whether the country under consideration is highly industrialised, as in the case of Belgium, or is predominantly agricultural, as in the case of Yugoslavia.

Further, the replies, incomplete though they are, confirm the view that the reduction of hours of work as a means of combating unemployment is not a merely theoretical proposition, but a practical expedient to which Governments, employers and workers in different countries and in different industries have already resorted to a greater or less extent. The task of the Conference is therefore not to elaborate on a basis of abstract reasoning a wholly untried and novel panacea, but to consider whether and in what way a measure that has already received partial and in some cases perhaps unsystematic application can be generalised and systematised.

It is no less clear, however, that the problem is a complex one. The requirements of different industries are to a certain extent varied. The possible methods of effecting a reduction in hours of work are also varied. There can, therefore, be no question of the application of a rigid method of reduction of hours to all industries in all countries. The problem is rather to decide to what extent variety of method may be permitted without endangering uniformity in purpose and result.

Finally, the statements of these Governments furnish evidence of the importance to be attached to the factor of foreign competition in any attempt to deal with the problem of unemployment, and thereby emphasise the necessity of concerted international action.

II. — Desirability and Form of International Regulations

Questions 1 and 5: Replies on Pages 38 to 44, and Pages 45 to 60

Draft Convention or Recommendation

In reply to the question whether international regulation of hours of work is desirable and if so what form international regulations should take, three Governments, those of the Irish Free State, Siam and Turkey, have expressed no definite opinion. The

Governments of Austria, Japan, the Netherlands and New Zealand are opposed to international regulations in any form. The Government of Lithuania, while not furnishing detailed replies to the Questionnaire, expresses the opinion that a reduction of hours of work is not practicable in that country at present. The Government of the Canadian Province of Ontario, though in sympathy with the reduction of hours, regards the matter as too complex for an inflexible and permanent regulation. The Government of Brazil declares itself not to be opposed in principle to the adoption of regulations but hesitates to give a definite reply to the Questionnaire.

All the other Governments that have replied to the Questionnaire are in favour of the adoption of international regulations, but there is some divergence of view as to the form that should be given to them.

Four Governments, those of Estonia, Finland, Hungary and India, are of opinion that any regulations to be adopted should be in the form of a Recommendation.

Fifteen Governments, those of Belgium, Bulgaria, the Canadian Provinces of Manitoba and Saskatchewan, Chile, Denmark, France, Italy, Latvia, Norway, Poland, Spain, Sweden, Switzerland and Yugoslavia, are in favour of a Draft Convention. In this group the Governments of Belgium, Chile, France, Poland, Spain, Sweden and Switzerland, are opposed to the adoption of a Recommendation in default of a Draft Convention, though in the case of Chile a Recommendation supplementary to and not in substitution of a Draft Convention would be acceptable. The remaining Governments consider that failing a Draft Convention the Conference should adopt a Recommendation.

It will be seen that the majority of the replies are in favour of a Draft Convention, whilst the number of Governments who would be prepared to agree to a Recommendation in default of the adoption of a Draft Convention is counterbalanced by the number opposed to such a course. The proposals to be submitted to the Conference must therefore be cast in the form of Draft Conventions.

III. — Other General Questions

Questions 2 to 10: Replies on Pages 45 to 60

Purpose of the Convention (Question 2)

The second question put to Governments raised the issue of whether the Draft Convention should be regarded merely as a measure to provide a remedy for unemployment or whether it should not also have the wider purpose of ensuring to workers a share in the benefits of technical progress.

On this issue neither the Austrian nor the Finnish Government expresses any definite opinion. The Government of the Netherlands

considers that the matter of technical progress is not yet ripe for treatment.

All the other Governments that have furnished detailed replies to the Questionnaire, namely those of Belgium, Bulgaria, the Canadian Provinces of Manitoba and Saskatchewan, Chile, Denmark, France, Italy, Latvia, Norway, Poland, Spain, Sweden, Switzerland and Yugoslavia, agree that account should be taken of this wider consideration in the framing of the Convention. The Yugoslav Government is of opinion that the question of participation by the workers in the benefits of technical progress should certainly be taken into account in those countries where the rationalisation and mechanisation of production have already reached a high level. The Spanish Government considers that the principal purpose of the Convention should be to remedy unemployment but that it might also deal with the wider purpose, though the provisions on this subject might be different. The Polish Government agrees that account should be taken of this purpose and suggests that the matter should be the subject of special consideration at a future session of the Conference. The Belgian and Swiss Governments point out that the wider purpose would be automatically achieved, at any rate to some extent, by a reduction of hours of work.

It is evident from these replies that the motive inspiring the approval given by a considerable number of Governments to the proposal for a reduction of hours is not merely the desire to apply a remedy for unemployment but also the recognition of the right of the workers to benefit in some degree by the remarkable technical developments that industry has witnessed in recent years. A reduction of hours, giving more leisure, would in itself be a contribution to this end, and while it seems hardly practicable to devise any specific provision on the matter for inclusion in the international regulations themselves the Governments will be in a position to give effect to their intentions in the application of the provisions of the Convention in each country.

Wages, Salaries and Standard of Living (Questions 3, 4, 6 and 7)

This group of questions deals with the important problem of the relations between a reduction of hours and the wages, salaries and standard of living of the workers. Question 3 invited Governments to express their views as to whether the Draft Convention should be drawn up on the basis that wages and salaries would not be reduced as a consequence of the reduction of hours or whether on the contrary no provision should be made in the Draft Convention for the maintenance of wages and salaries. Question 4 dealt with the provision to be made for securing effective application of any stipulations that might be included in the Draft Convention on this subject, while Question 6 asked whether provisions on the subject should be included in a Draft Convention or Recommendation separate from that dealing with the reduction of hours.

Finally, Question 7 asked Governments to give their views as to whether the standard of living as distinct from wages and salaries should be dealt with and if so in what way.

A minority of Governments are of opinion that the Draft Convention on the reduction of hours should also include provisions dealing with wages and salaries.

The Government of Chile considers that the Draft Convention should contain provisions designed to prevent any reduction in wages or other remuneration as a result of the reduction in hours and suggests that this should take the form of a stipulation that the national legislation giving effect to the reduction of hours should include a provision, effective for a reasonable period, prohibiting under penalty any agreement to accept wages or salaries lower than those in force at a date shortly before the coming into force of the legislation. The Spanish Government considers that the reduction of hours should be so applied as to ensure the maintenance of the workers' standard of living, regard being had to the general economic position, and suggests that the enforcement of the provisions on this subject should be entrusted to the labour inspection service. While this Government would prefer that the matter should be dealt with in the Convention concerning hours it would be prepared to accept a separate Draft Convention or Recommendation being devoted to it if that procedure would be more generally acceptable. The Swedish Government, while it makes no specific proposals, is of opinion that the Draft Convention concerning hours should be framed on the basis that wages and salaries are not to be reduced; but it is opposed to the treatment of the two matters in two separate Draft Conventions since it could not agree to apply provisions stipulating for a proportionate increase in rates of pay as a corollary to the reduction of hours without any guarantee that competing countries would follow the same course. The Provincial Government of Manitoba appears also to favour the linking of the two questions of hours and wages.

The Government of the Netherlands is definitely opposed to the Draft Convention on hours being framed on the basis of the maintenance of wages and salaries without diminution, holding that, particularly in countries where the wage level is high, reductions of wages must be allowed and that otherwise the result might be to increase unemployment. The Estonian Government finds it difficult to conceive a reduction of hours without a reduction of wages. The Swiss Government is also opposed to framing the Draft Convention on the basis of the maintenance of wages and salaries, considering that the problem presents itself in different conditions in different countries and that it would be difficult to enforce either nationally or internationally any provisions regarding wages. The Italian Government feels that it would be difficult to deal with the maintenance of wages and salaries in the Draft Convention. If this subject is included, then in the Government's view guarantees will be necessary against evasion, and amongst

such guarantees the Government suggests for special consideration the making the application of the Convention conditional on an undertaking by at any rate the more important Statess including those outside Europe, that the necessary measures will be taken simultaneously. In reply to Question 6, the Italian Government observes that if the Conference should take any decision in regard to wages and salaries the matter should be dealt with separately from the regulation of hours. The Belgian Government considers that the question of wages cannot be dealt with in conjunction with the question of hours since other factors than hours affect wages and there has not been the same preliminary study of the wages problem as there has been of the hours problem. The Government of Japan is of opinion that it would be difficult to ensure the maintenance of wages by legislation.

All the other Governments that reply to the Questionnaire express themselves as opposed to dealing with wages in the Draft Convention on hours, but nearly all of them favour some form of Recommendation on the subject. The Government of Denmark holds that wages should not be reduced but that the laying down of a binding rule on the matter would be difficult and would tend to make the ratification of the Draft Convention more difficult. The Government suggests, however, that while States should be left free to adopt the most appropriate method of dealing with the economic consequences of a reduction of hours consideration should be given to the inclusion in the Draft Convention of provisions to ensure compensation, either by an increase in hourly rates or by special adaptations of the arrangements in respect of unemployment insurance, for reductions in earnings due to the reduction of hours. The Government of Finland also considers it desirable that wages should not be reduced but regards a binding international regulation as impossible and favours a separate Recommendation on the subject. The French Government takes a similar view and points to the difficulty of ensuring effective supervision, whether national or international, of any stipulation in regard to the maintenance of wages. The Government of Latvia is of opinion that wages cannot be regulated in a uniform way for all countries by an international Convention and is in favour of a Recommendation. The Norwegian Government points out that wages are primarily a matter for collective agreement between employers and employed in which it is difficult for the State to intervene directly. It therefore considers international regulation by way of a Draft Convention impracticable and favours a Recommendation. The Polish and Yugoslav Governments are also in favour of a Recommendation.

A majority of the replies, it will be seen, oppose the inclusion in the Draft Convention for the reduction of hours of any provision dealing with wages and salaries, but it would seem possible to secure general agreement on a special Recommendation on this subject.

Not all the Governments give a separate reply to the question of whether the standard of living as distinct from wages and salaries

should be dealt with. The Netherlands and Swiss Governments consider that any international regulation on this subject is impossible. The Government of India is of the opinion that no practical result could be reached by considering the question of the standard of living apart from the question of wages and salaries. The Government of Chile recognises the desirability of dealing with the question, but considers that it would be difficult to suggest standards that could be applied in practice and embodied in a Draft Convention. The Swedish Government is of opinion that it would hardly be possible for international regulations to deal with the standard of living, which is determined by other factors in addition to money wages.

The Norwegian Government foresees difficulties in drafting specific provisions dealing with the standard of living and suggests that the matter should be dealt with in the Recommendation on wages. The Governments of Latvia and Spain also consider that the question of the standard of living should not be separated from that of wages. The Polish Government suggests that the Recommendation should emphasise the social and economic importance of maintaining existing wages and salaries having regard to the necessity for ensuring a decent standard of living. The Italian Government recommends laying down the general rule that wages should correspond to what is normally necessary for a livelihood, to the possibilities of production and to the output of labour, and that they should be determined by agreement between the occupational organisations concerned. The Governments of Bulgaria and the Canadian Provinces of Manitoba and Saskatchewan agree that the question of the standard of living ought to be dealt with but make no definite suggestions concerning it. The Yugoslav Government, while emphasising the importance of maintaining the standard of living, especially since the long continuance of the depression has already reduced that standard to an intolerably low level, considers that the methods of maintenance must be left to national legislation and that the Recommendation should simply call upon Governments to communicate to the International Labour Office information concerning the measures they have taken, the Office then presenting a report on the subject to the Conference.

Taking the replies to Questions 3, 4, 6 and 7 in conjunction, the opinion of the Governments generally appears to be that the question of wages and salaries, and with it the allied question of the standard of living, is of such importance that it ought to be dealt with but that as it cannot be regulated internationally by way of a Draft Convention the appropriate method of laying down at least certain general principles would be the adoption of a Recommendation.

(For Question 9, see later, page 137.)

Number of Draft Conventions (Question 10)

In Question 10, Governments were asked for their views as to whether the international regulations should take the form of a

single all-inclusive Draft Convention or whether the field to be covered should be divided, and in the latter case what the divisions should be.

The method of a single Convention is supported by only one Government, that of Norway, which considers that the Convention should be drafted with considerable flexibility and should leave the special regulations for particular industries to be determined by national legislation.

The method of a series of Conventions is supported by the Swiss, Netherlands and Finnish Governments. The Swiss Government would prefer individual Conventions, each dealing with a given industry or group of industries and it suggests certain groups which might be dealt with first. The Netherlands Government is also in favour of a series of Conventions but makes no suggestions as to the area to be covered by each. The Finnish Government does not consider the inclusion of commerce as necessary. This Government likewise proposes separate Conventions for the more important industries, and suggests that if this course is not followed there should be two Conventions, one dealing with industry and the other with coal mines.

The Government of Chile proposes that the field should be covered by four Conventions, one applying to industry, a second to commerce and offices, a third to transport and a fourth to coal mines, with each Convention including special rules for given industries or occupations.

The remaining replies are in favour of proceeding on the usual lines, subject in some cases to certain modifications.

The Latvian Government is in favour of two Conventions for industry in general and for coal mines, commerce being excluded. The Swedish Government is of opinion that the inclusion of commerce would not be justified, at any rate in Sweden, but if commerce is included the Government considers that it should be dealt with in a third Convention, two other Conventions being devoted to industry and coal mines. From its reply to Question 11 it appears that the Bulgarian Government should be added to the number of those opposed to the inclusion of commerce.

The Belgian Government is in favour of two Conventions, the first for industry other than coal mining and the second for commercial establishments, but would be prepared to agree to a third subsidiary Convention if there is a majority in favour of the inclusion of coal mines.

The Spanish Government's reply indicates a doubt as to whether the Conference will be able to cover the whole ground in a single session and suggests that if it cannot do so priority should be given to the classes of undertakings most affected by the depression and unemployment. If the Conference decides on separate Draft Conventions to cover the whole field there should be three, applying respectively to industry, to commerce and offices and to coal mines.

The French Government is prepared to accept any procedure that commends itself to the Conference and all the remaining

Governments, namely those of Austria, Bulgaria, Canada (Provinces of Manitoba and Saskatchewan), Denmark, Italy, Poland and Yugoslavia, are in favour of three sets of regulations dealing separately with industry in general, with coal mines and with commerce and offices.

The general feeling of the Governments is therefore in favour of following the established practice of three Draft Conventions dealing respectively with industrial undertakings in general, with coal mines and with commercial and office employment. It will be noticed, however, that there is a certain measure of support for proceeding by way of regulations for particular industries or groups of industries rather than for industry as a whole, and that there is less agreement on the inclusion of the last category than there is in the case of the other two.

As regards coal mines there are no replies from several of the most important coal-producing countries, so that the practicability of dealing immediately with this industry is open to some doubt.

IV. — Scope of the Draft Conventions

QUESTIONS 11 TO 14: REPLIES ON PAGES 62 TO 72

Establishments to be Included (Questions 11 and 12)

This section of the Questionnaire opens with a question inviting Governments to define the scope of the Draft Conventions with particular reference to the field covered by the existing Draft Conventions on hours of work and also to the possibility of exclusion of certain categories of undertakings from the application of the regulations either by express mention in the Convention itself or by decision of the competent authority in each State.

For the purpose of this analysis the position of transport may be disregarded for the moment, since it is the subject of a special question later (Question 21).

With the exception of the Governments of Bulgaria, Finland, Latvia and Sweden, which object to the inclusion of commerce and offices, all the Governments who furnish detailed replies to Question 11 agree in general that the field to be covered by the present Conventions should be the same as that covered by the three existing Conventions on hours of work, though in respect of coal mines the same reservation must be made as is indicated above. A number of Governments, however, propose important modifications.

The Austrian Government proposes the exclusion of postal, telegraph and telephone services and public administrations in general and expresses some apprehension as to the inclusion of employment in commerce and offices. The Danish Government suggests that the only establishments to be excluded should be those as regards which there is no assurance that a reduction in

working hours would result in the employment of additional staff or those over which it would be impossible to exercise effective supervision. The Netherlands Government, which proposes that if any regulations are adopted for industry they should deal with particular industries or groups and not with industry as a whole, considers that as regards commerce and offices, shops should be excluded. The Finnish Government desires it to be made clear that certain work ancillary to agricultural and forestry undertakings in which raw materials are prepared for industry is excluded from the scope of the Draft Convention dealing with industry.

In the field of commerce and offices the Questionnaire drew special attention to the position of establishments such as hospitals, hotels and other places of refreshment, and theatres and places of public amusement, which are excluded from the scope of the Draft Convention of 1930 concerning the regulation of hours of work in commerce and offices.

The Danish Government and the Provincial Government of Saskatchewan would include in the scope of the new Draft Convention all the establishments excluded by the Convention of 1930. The Government of Chile is in favour of the inclusion of hotels and theatres but not of hospitals, while the Governments of Italy and Yugoslavia are of opinion that hotels and other places of refreshment might perhaps be included. The Norwegian Government suggests that the inclusion or exclusion of these categories might be left to be determined by national legislation. The Spanish Government suggests that these categories should be included only in the event of their being affected by abnormal unemployment. The French Government would be prepared to include these establishments if that were the general desire. The Provincial Government of Manitoba considers it very questionable whether these establishments should be included. All the remaining Governments are opposed to going beyond the scope of the Convention of 1930.

It is thus clear that in the framing of the two or three Conventions to be adopted Governments generally are in favour of adhering to the delimitation of scope already included in the existing Draft Conventions on hours of work.

There remains the question whether within the scope thus generally defined there should be any special exceptions. The exclusion of family undertakings is proposed by the Governments of Austria, France, Spain, Sweden and Yugoslavia, but these replies may perhaps be more conveniently considered in connection with the replies to the next question relating to small undertakings. Several Governments propose that the Draft Convention should leave a discretion to the competent national authorities to except certain kinds of work. The Belgian Government desires that the competent authority should have power to exclude all work such as dyeing or the handling of perishable goods which cannot easily be concluded in a single working day or must be executed without delay. The Provincial Government of Manitoba, which proposes

the complete exclusion of church organisations, considers that broad powers of exemption and variation should be allowed. The Spanish Government proposes that the competent authority should have power to exclude classes of establishments specified in the national legislation as being excepted from the ordinary regulations concerning hours, subject to prior consideration by the organisations of workers and employers concerned and by the authority responsible for the supervision of the normal system of regulating hours. The Danish Government, as already noted, desires the exclusion of establishments in respect of which there is no assurance that reduction in hours will lead to additional employment or over which it is impossible to exercise effective supervision, and the Swedish Government also proposes that the power of exclusion should be allowed for use in cases where a reduction of hours would lead to a diminution of employment. The Finnish Government considers it desirable that the competent authority should be allowed to make exceptions, particularly in border-line cases, if the application of the regulations gives rise to difficulties. The French Government does not propose the exclusion of any category of establishments but admits that in certain cases some special adaptation of the general principle of reduction of hours may be desirable to meet special conditions of working.

The Government of Italy is opposed to making exceptions in the Draft Conventions and also opposed to the right to make exceptions being given to the national authorities. The Provincial Government of Saskatchewan is also opposed to any exceptions.

There is evidently a general desire for a certain degree of flexibility in the application of the regulations. The exclusion of family undertakings presents no difficulty. The other suggestions for exclusion made by various Governments differ considerably, and it would hardly seem possible for the Office to adopt any of them in framing the proposals it has to submit to the Conference. But it may be found possible to satisfy the desire for flexibility in another way, not by excluding special categories of establishments from the scope of the Conventions but by making adequate provision for the adaptation of the general provisions to meet special requirements.

Small Establishments (Question 13)

The possibility of special provisions being necessary for small establishments was raised by Question 13, which also invited Governments to indicate what in their view should be the criterion to be adopted for defining such establishments. The question has also been dealt with indirectly in the replies of certain Governments to the preceding question proposing the exclusion of family undertakings.

Exclusion of establishments in which only members of the same family are employed is proposed by the Government of Sweden. The same proposal was also made by the Governments of Austria,

France, Spain and Yugoslavia in their replies to the previous question. The Danish Government, in its reply to Question 14, proposes to permit the exclusion of such establishments by national legislation.

Six Governments are opposed to making any special provision for small establishments, whether family undertakings or otherwise. These are the Governments of Bulgaria, the Canadian Provinces of Manitoba and Saskatchewan, Chile, the Netherlands and Poland. The French and Austrian Governments propose the exclusion of family undertakings, but are opposed to any special provision for other small undertakings.

The Italian Government is of opinion that the question of the application of the Convention to small establishments should be considered with a view to ascertaining whether, as would appear to be necessary, establishments employing less than ten persons should be excluded.

Exclusion of small establishments employing not more than a certain number of workers is proposed by the Governments of the following countries, the limit of numbers suggested by each Government being shown in brackets: Denmark (5), Finland (10), Latvia (10), Spain (3, deemed to be a family undertaking), Sweden (4), Switzerland (5 or 10, according to circumstances), Yugoslavia (average of 10 in the last quarter of the year). It should be noted that the Governments of Finland and Latvia consider that small establishments excluded from the scope of the new Convention should remain subject to the provisions of the 1919 Convention on hours.

Special provisions in respect of small establishments are suggested by a certain number of Governments. The Austrian Government proposes that if no other method of meeting the special circumstances of small establishments can be found, a higher number of hours of overtime for economic requirements should be allowed to them. The Government of Belgium considers that, when economic conditions so require, small establishments in which not more than five persons are engaged should be allowed, subject to the approval of the factory inspection service, to revert to the eight-hour day and forty-eight-hour week prescribed by the 1919 Convention. The Norwegian Government does not consider any general exclusion desirable, but suggests that the exception of establishments employing not more than ten persons should be permitted in cases where the application of the forty-hour week would lead to a reduction in the number employed. The Swiss Government proposes that small establishments, if not excluded, should be subject to special provisions allowing a working week in excess of the general limit. Small establishments are defined by this Government as those in which not more than five persons are engaged if motive power is used or if any person below the age of eighteen years is employed, or in which not more than ten persons are employed if there is no motive power or employment of young persons.

The general trend of the replies appears to favour allowing the

exclusion of small establishments from the scope of the Draft Conventions, but there is appreciable diversity as to the point at which the line of demarcation should be drawn. On the whole it would seem to be reasonable to authorise the competent national authorities to exclude from the application of the Conventions establishments employing not more than six persons and to make the general provisions sufficiently flexible to meet the requirements of establishments coming above that limit.

Scope as to Persons (Question 14)

The existing Draft Conventions on hours all contain special provisions governing the application of the regulations to certain categories of persons, such as those occupying positions of management or supervision or employed in a confidential capacity. The *Questionnaire accordingly asked for the views of Governments* as to whether any such categories should be excluded from the application of the regulations either by the Draft Convention itself or at the discretion of the competent authority in virtue of a power conferred by the Draft Convention, whether there should be a limit to the proportion of the staff so excluded and whether the persons subject to exclusion should be listed in the Draft Convention.

The Provincial Government of Saskatchewan is of opinion that the Draft Convention should not permit of any exclusion from its scope. The Polish Government is opposed to the exclusion of any persons except those holding the highest positions of management. The French Government proposes the exclusion of managers whose position is similar to that of the head of the establishment, but is of opinion that other persons in supervisory or confidential positions who are merely employees should be included, though the application of the regulations to them should be subject to any special exceptions required by reason of the nature of their duties. This Government also insists on the necessity for a strict definition in the Draft Convention of any excluded categories.

The exclusion of persons occupying positions of management or supervision or employed in a confidential capacity is proposed by the Governments of Austria, Finland, the Netherlands and Italy. The Government of Chile also proposes that these three categories should be excluded, their hours of work being left to be limited by national legislation.

The Governments of Belgium, Norway, Sweden, Switzerland and the Canadian Province of Manitoba propose the exclusion of persons holding positions of management or employed in a confidential capacity. The Swiss Government is also of opinion that perhaps persons occupying positions of supervision who do not ordinarily perform manual work might be excluded. The Spanish Government favours the exclusion of directors, managers, high officials and technical experts, and is of opinion that no discretion in this matter should be allowed to the competent national authorities.

The Government of Yugoslavia proposes the exclusion, in addition to persons occupying positions of management or employed in a confidential capacity, of persons occupying positions of supervision who are not ordinarily engaged in manual work, and suggests that the precise determination of the positions included in these categories should be fixed by national legislation, the lists included in the Belgian and Rumanian legislation on this matter being taken as models.

A number of Governments make proposals for the exclusion of persons in these categories from the application of the Convention by decision of the competent national authority. The Government of Belgium proposes that this power should be given to the competent authority in respect of responsible supervisory posts, the Government of Latvia in respect of persons occupying positions of management or supervision or employed in a confidential capacity and the Government of Denmark in respect of persons occupying positions of management or supervision, or employed in a confidential capacity in the case of the Draft Convention relating to industry, and in respect of persons occupying positions of management or employed in a confidential capacity in the case of the Draft Convention relating to commerce and offices.

Certain Governments make proposals for the exclusion of other categories of workers. The Government of Chile is of the opinion that the limitation of hours should not apply to persons who work without supervision by their immediate superiors or outside the employer's premises, such as managers, confidential clerks, commission agents, etc. This Government also makes proposals in regard to persons whose work is intermittent, but these can more conveniently be examined when dealing with the replies to Question 25. The Swiss Government proposes the exclusion of the staff of commercial and technical offices, outworkers and cleaners not belonging to the regular staff of the establishment.

The Provincial Government of Manitoba is in favour of allowing the competent national authority to exclude office assistance from the application of the Convention, while the Government of Denmark proposes that in the case of commerce and offices the precedent of the Convention of 1930 should be followed, that is to say, that a power of exemption by the competent authority should be given in respect of establishments in which only members of the employer's family are employed, offices in which the staff is engaged in connection with the administration of public authority, and travellers and representatives in so far as they carry on their work outside the establishment.

Proposals of a somewhat different character are made by the Governments of Norway and Sweden. The Norwegian Government proposes that the competent authority should be allowed to exclude specialists in small workshops employing not more than ten persons if the application of the forty-hour week to them results in a diminution of the number employed. The Swedish Government proposes that exclusion should be permitted in respect of persons to

whom the application of the reduction of hours of work has given, or might give, rise to serious difficulties.

Only one Government, that of Belgium, suggests a limitation of the proportion of the staff who might be excluded: the proportion being 15 per cent. in the case of undertakings employing not more than 100 manual and non-manual workers and 10 per cent. in the case of undertakings employing a higher number.

No Government proposes the inclusion in the Draft Convention of a list defining the persons to be excluded.

Taken as a whole, the replies of the Governments show a good majority in favour of permitting the exclusion of persons employed in positions of management or supervision or in a confidential capacity.

V. — Hours of Work

QUESTIONS 15 TO 20: REPLIES ON PAGES 73 TO 84

Definition of Hours of Work (Question 15)

Governments were asked in this question whether hours of work should be defined as the time during which the persons employed are at the disposal of the employer, excluding rest periods during which the persons employed are not at the disposal of the employer. The Italian Government does not reproduce in its reply the reference to rest periods, and the Swedish Government also doubts the utility of this passage in the proposed definition. The Swiss Government, while prepared to accept this definition, suggests that there might be difficulties in practice in respect of time taken going to and from work outside the employer's premises and in respect of cases in which the worker is required to be to a certain extent at his employer's disposal during rest periods.

Virtually all the Governments agree that the suggested definition, which is that adopted by the informal conference of the Ministers of Labour of certain countries held in London in March 1926, should be adopted for the purposes of the present Draft Conventions.

Flexibility or Rigidity in the Limitation of Hours (Question 9).

The issue of rigidity as opposed to flexibility in the methods of limiting hours of work was raised in a general way in Question 9, which submitted for the consideration of Governments the two possibilities of laying down an average weekly limit with as large a choice of methods of arranging hours of work as is consistent with the strict observance of the average or, on the other hand, prescribing a rigid limit for each week.

Only three Governments, those of Chile, Italy and Poland, express the view in reply to Question 9 that the Convention should prescribe a rigid limit of hours for each week. The Spanish Government is in favour of sufficient flexibility to meet exceptional cases of *force majeure* but proposes a daily maximum of eight hours. The

French Government proposes that both daily and weekly maxima should be fixed as in the 1919 Convention, unequal distribution of working hours over the days of the week being allowed, provided that on no day is the daily maximum exceeded. The Governments of Finland and Latvia prefer that the precedent of the 1930 Convention should be followed, the former Government adding that wider limits should be allowed to meet the special conditions of certain countries.

The remaining replies, eleven in number, are in favour of the system of a weekly average with a choice as to methods of arrangement.

This issue may therefore be decided in favour of flexibility.

General Limit of Hours (Question 16)

Even including Governments who are opposed to the adoption of any Draft Convention for the reduction of hours of work, there is little diversity of opinion as to what should be the weekly average limit of hours prescribed for general application.

The Swiss Government, doubtful of the practicability of a general reduction of hours to forty a week, suggests a limit of forty-four hours as a first step which would be followed by a second step if the results were satisfactory. The Provincial Government of Manitoba suggests a general limit of forty-two hours.

The sixteen remaining replies, those of the Governments of Austria Belgium, Bulgaria, the Province of Saskatchewan, Chile, Denmark, Finland, France, Italy, Latvia, the Netherlands, Norway, Poland, Spain, Sweden and Yugoslavia, are in favour of a limit of forty hours on an average, but in some cases with certain qualifications or conditions.

The French Government considers that forty hours should be an absolute limit and not an average, save by way of exception for categories of establishments such as those in which work is necessarily carried on continuously for a period exceeding the daily or weekly limit which may be fixed. The Government of Spain couples the weekly average of forty hours with a daily limit of eight hours. The Government of Latvia assents to a weekly limit of forty hours for countries in which there is technological unemployment, but considers that it will be necessary to provide exceptions for agricultural countries in which there is seasonal unemployment, having regard to the special conditions of those countries.

While it must not be forgotten that certain of the sixteen countries cited above as in favour of a limit of forty hours a week are in fact opposed to the adoption of a Draft Convention, nevertheless, it is clear that the general limit to be prescribed in the Draft Convention should be forty hours a week on an average.

Limit for Continuous Processes (Question 17*a*)

In view of the special requirements of work on processes that must of necessity be carried on continuously, the Questionnaire

invited the Governments to express their views on the laying down of a limit of forty-two hours for such work instead of a general limit of forty hours.

The Swiss Government would agree to a forty-two hour limit if general international regulations are practicable, but doubts if they are practicable, and in order to minimise the disturbance due to a reduction from the limit of fifty-six hours permitted by the 1919 Convention to a limit as low as forty-two hours, suggests that an intermediate limit of forty-eight hours might be adopted for fully continuous work, while for work on which a Sunday stoppage is possible the average might be brought down to forty-four hours a week. The Netherlands Government makes a similar distinction, but proposes forty-two hours for fully continuous work and forty hours for semi-continuous work.

The Governments of Poland and of the Canadian Province of Saskatchewan suggest forty hours for continuous process work as well as for ordinary work.

The Swedish Government agrees that special provision is desirable for this kind of work, but raises the question whether the limit for such work should not be lower rather than higher than the general limit without, however, being able to pronounce a definite opinion.

The thirteen remaining replies are in favour of a limit of forty-two hours.

It follows from this analysis that the Draft Convention should make special provision for continuous process work and allow an average week of forty-two hours to meet its special requirements.

Limit for Underground Work in Coal-Mines (Question 17*b*)

Eight Governments, those of Austria, Belgium, the Canadian Province of Manitoba, Denmark, Finland, Latvia, the Netherlands and Norway, express no definite opinion in reply to the question whether in the case of underground work in coal-mines a lower limit, such as thirty-eight and three-quarter hours, should be fixed than is applied to ordinary work.

The Chilian reply points out that coal-mines in that country are already working only five days a week as a result of market conditions, and adds that any further reduction of hours would injure the industry without conferring any benefit on the workers.

Three Governments, namely, the Provincial Government of Saskatchewan and the Polish and Spanish Governments, propose that the general forty hours limit should be adhered to. The Spanish Government, however, suggests that on necessarily continuous work in coal-mines the limit should be forty-two hours and also proposes that in the special case of certain work connected with the mining of mercury, the weekly average of forty hours should apply for half a month only.

The Swedish Government agrees that there should be a stricter limitation of hours in respect of underground work, but it does not propose any particular figure. The French Government suggests

that allowance being made for the time taken in going to and from the surface and the working place, which would of course remain unchanged, the actual hours of work underground in mines should be reduced in the same proportion as for other work. The Governments of Bulgaria, Italy and Yugoslavia agree to the suggested limit of thirty-eight and three-quarter hours.

It will be observed that there are relatively few replies to this question and that, as has already been pointed out, there are no replies from some of the most important coal-producing countries. The Office therefore lacks the material necessary to enable it to frame proposals in respect of coal-mines for immediate discussion by by the Conference.

Period for Calculation of the Average (Question 18)

Since there is general agreement that in limiting hours of work the method of an average over a period should be adopted rather than that of fixing an absolute maximum for every week, the question arises as to the length of the period over which it would be permissible to calculate the average.

Five Governments, those of Austria, the Canadian Province of Manitoba, Finland, Latvia and Switzerland suggest no precise period. In the case of Finland and Latvia, the Governments desire the period to be as long as possible and the reply of the Austrian Government to Questions 9, 18 and 19 indicate that this Government also favours a long period. The Swiss Government, while of opinion that the period should normally be from four to eight weeks (though in seasonal industries such as building, it might extend to a whole year), considers that the matter should be dealt with by national laws or regulations, the necessary counterpoise to the elasticity thus given being provided by methods of supervision.

The Netherlands Government remarks that a period of three months would be necessary if all the possible methods of averaging are to be covered, but suggests that in general a period of six weeks might suffice. The Danish Government also suggests a maximum of six weeks. The French Government proposes a period of seven weeks as a maximum accompanied by the fixing of a daily or weekly maximum.

Nine Governments, those of Belgium, Bulgaria, the Canadian Province of Saskatchewan, Italy, Norway, Poland, Spain, Sweden and Yugoslavia, propose a general maximum of four weeks, but in some of these cases special maxima are also suggested. The Norwegian Government proposes six weeks for railways. The Polish Government suggests one year for seasonal industries (as was also suggested by the Swiss Government) and also for transport. The Spanish Government deals with the special case of mercury mines for which it advocates a period of eight weeks. The Government of Chile proposes a period of four weeks for continuous work only.

While there appears to be a majority in favour of laying down a

maximum period of four weeks for the calculation of the weekly average, it is also clear that there is a widespread desire for some degree of flexibility in this respect.

Only a few Governments deal expressly with the fixing of the period for the calculation in the case of coal-mines. The Italian and Yugoslav Governments propose a period of six weeks for underground work in coal-mines, whereas the Swedish Government suggests four weeks for this as for other work.

Here again, therefore, the information at present available is not sufficient to permit of the framing of proposals for submission to the Conference.

Daily and Weekly Limits (Question 19)

It will have been noticed that in their replies to previous questions the French and Spanish Governments have called attention to the desirability of fixed maxima for daily or weekly hours of work in addition to the maximum weekly average. This point was raised specifically by Question 19, which asked Governments for their views as to whether the daily and weekly limits, that is in general eight hours a day and forty-eight hours a week, already fixed by the Conventions of 1919 and 1930 applying respectively to industrial establishments and to commerce and offices, should still apply when the average length of the working week has been reduced. The question also dealt with coal-mines, but no Government makes any special suggestion in this connection and for the reasons already given coal-mines cannot, for the present, be taken into consideration.

Four Governments, those of Finland, Latvia, Spain and Sweden replied to this question in the negative. The Finnish Government prefers the method followed by the Convention of 1930 in regard to the daily distribution of the weekly total of hours, pointing out that it is less rigid than that of the Convention of 1919. The Swedish Government is of opinion that the new Convention should be less rigid in this respect, but should nevertheless include express provisions. The Austrian Government again calls attention to the need for flexibility. The Spanish Government does not consider it necessary to follow precedent if the limits already laid down would be less advantageous to the worker.

The thirteen remaining replies to this question are in the affirmative.

There is thus a considerable majority in favour of respecting the weekly and daily limits imposed by the existing Conventions.

Methods of Arranging Hours (Question 20)

Various possibilities in regard to the regulation of methods of arranging hours of work are envisaged in Question 20. The first (*a*) is that the Draft Convention itself should specify the methods which may be applied. The second (*b*) is that methods should not be

The Italian and Norwegian Governments appear to consider a collective agreement a necessary condition for the adoption of any method of arranging hours. The Governments of Austria. Belgium, Bulgaria, the Canadian Province of Saskatchewan, Denmark, Latvia, Poland, Spain and Yugoslavia simply indicate their approval of this method of determining arrangements of hours.

It follows from these replies that in order to meet the views of the majority of Governments the Draft Convention should not be rigid and should impose only such restrictions on the methods of arranging hours as are necessary to facilitate supervision and prevent abuse. The views expressed in the majority of the replies would appear to be met by permitting the adoption without any formality of methods of arrangement which secure coincidence or a simple correlation between the hours of operation of the undertaking or branch thereof and the hours of work of the persons employed, and by allowing any other method to be adopted provided it is approved by the competent authority. The Draft Convention should also allow complete freedom to the competent national authority to approve of any method of arranging hours that might be decided upon by collective agreement, again subject, of course, to the limits prescribed.

VI. — Special Systems for Certain Industries or Activities

QUESTIONS 21 AND 22: REPLIES ON PAGES 84 TO 88

Transport (Question 21)

This Question asked for the views of Governments as to whether the Draft Convention should contain special provisions for the transport industry, railways and other forms of transport being considered séparately, and also as to whether there were other industries or activities for which special provision should be made.

There is general agreement among the Governments that the transport industry cannot be dealt with by the Draft Convention in exactly the same way as other industries. Only two Governments reply to Question 21 in the negative. One is the Provincial Government of Manitoba; the other is the Government of Sweden, but this Government's position is that if the Draft Convention allows considerable latitude as regards the arrangements of hours in all industries, no special arrangements for this industry would be necessary.

The Government of Chile, while considering that international regulations for the reduction of hours of work on railways are necessary, is of opinion that the reduction could not be applied until the general depression is over.

Several Governments are doubtful of the expediency of including the transport industry within the scope of the present Convention

at all. Complete exclusion of the industry is suggested by the Governments of Austria, Belgium, Italy (at least in respect of public transport services), the Netherlands and Switzerland, while the Government of Yugoslavia proposes that the Convention should authorise exclusion of the industry by national legislation. In this group, however, the Governments of Italy and Switzerland desire that if the industry is included in the scope of the Convention, it should be the subject of special provisions. The Latvian Government considers that, if the industry is not excluded, special and separate provision should be made for railways and for other forms of transport. The Italian Government proposes that the Convention should, if transport is not excluded, allow the national authorities to apply to transport a special system conforming to the prescriptions of the Convention of 1919, while the Swiss Government proposes that for this industry the limit of hours fixed by the Convention should be forty-eight a week, averaged over a fortnight. The Netherlands Government is of opinion that if transport is dealt with at all, it should be the subject of a special Convention. The Government of Chile is also in favour of a separate Convention on transport.

The Finnish Government considers that transport should be dealt with separately and that separate provision will be necessary for water and air transport if these branches of industry are not excluded altogether.

Several other Governments which do not suggest the exclusion of transport from the scope of the Convention agree that special provisions are necessary. The Governments of Bulgaria, the Canadian Province of Saskatchewan, Denmark, France, Norway, Poland (in respect of railways) and Spain fall into this group.

The Danish Government is of opinion that special provision for the transport industry should be made, not in the Convention itself, but by national laws or regulations. The French Government desires separate provisions for railways and for other forms of transport. The Norwegian Government proposes that in the case of transport the period over which the weekly average of hours may be calculated should be extended to six weeks. The Spanish Government suggests that the Convention should allow of the application to the calculation of hours in transport of a co-efficient system such as is laid down by Spanish legislation. The remaining Governments make no detailed suggestions as to the nature of the special provision they consider necessary.

It is evident from these replies that if Governments are to agree to the inclusion of the transport industry in the Convention, any provisions concerning it must at the least allow a very considerable latitude and be very flexible in character, subject, of course, to guarantees against abuse which could be provided by requiring consultation with the workers concerned and by fixing a maximum limit to the weekly average of hours.

Other Special Industries and Activities (Question 21)

Only three Governments reply to the second part of Question 21, which asked whether there were other industries or activities besides transport for which, in the opinion of Governments, special provisions would be necessary.

The Danish Government does not consider it necessary to make special provision for any industries or activities other than transport.

The Belgian Government proposes that the Draft Convention should authorise the competent national authorities to exclude all work of such a character that the operations cannot be brought to a conclusion in the course of one working day, or must be completed without delay, and instances as examples dyeing operations and the handling of perishable materials.

The Swiss Government is of opinion that special provisions authorising a working week of forty-eight hours, or even longer, can be justified in the case of small undertakings if these are not excluded altogether from the scope of the Convention. It also considers that certain branches of commerce would be entitled to demand special treatment.

Evidently it is difficult to draw any definite conclusion from the few replies given on this point but there does not seem to be sufficient justification for the inclusion in the Draft Convention of special provisions of the kind contemplated in the question. It may be possible to give satisfaction to the Belgian and Swiss Governments in the general provisions of the Convention dealing with variations in the arrangements of hours and with overtime.

Coal-Mining (Question 22)

If coal-mining should be subject to special provisions, ought the provisions of the Convention of 1931 limiting hours of work in coal-mines to be reproduced without change, except so far as may be necessary to bring about the reduction of hours of work that is the purpose of the new regulations ?

On this point raised in Question 22, many Governments abstain from replying, in most cases because of the fact that the industry is of little importance in their countries.

The Bulgarian, Italian, Netherlands and Yugoslav Governments and the Provincial Government of Saskatchewan propose no modification in the provisions of the Convention of 1931 except such as is necessary to effect a further reduction of hours.

The Swedish Government considers that the provisions of the Convention of 1931 relating to the method of calculating hours of work should be taken over, but that otherwise the provisions relating to coal-mining should be the same as for the general Convention applying to industry, which, it will be remembered, should in this Government's view be flexible as regards the arrangement of hours in all industries.

Among the countries in which coal-mining is of greater importance, replies have been received from Belgium, France, Poland and Spain. The Belgian Government stated, in reply to Question 10, that if there should be a majority for including coal-mines within the scope of the regulations they should be dealt with in a separate subsidiary Convention. The French and Polish Governments reply to Question 22 in the affirmative. The Spanish Government states that its reply depends upon the exceptions allowed to the normal hours of work.

It would evidently be impossible, on the basis of these few replies and in the absence of replies from certain important coal-producing countries, to frame proposals for submission to the Conference calculated to secure acceptance by the necessary two-thirds majority of the delegates and, more particularly, by the countries most directly interested.

VII. — Guarantees for the Creation of Fresh Employment

Question 23: Replies on Pages 89 to 91

While the general purpose of the Draft Convention is to secure an increase in the number of persons employed by a reduction in working hours, it is conceivable that in some cases at least this purpose might be defeated, for example, by the adoption of measures of mechanisation and rationalisation designed to obtain the same output from an unaugmented staff, despite the shorter hours. Question 23 therefore invited the Governments to give their views as to the possibility of including in the Draft Convention express provisions intended to give a guarantee that the reduction in hours of work results in the employment of fresh workers.

Four Governments—namely, those of Bulgaria, the Canadian Province of Saskatchewan, Poland and Spain—agree that guarantees should be included in the Draft Convention. The first two Governments make no suggestion as to the form these should take. The Polish Government proposes that the Draft Convention should include provisions in regard to supervision by the appropriate authorities, such as the employment exchanges, the factory inspection services, and the unemployment insurance institutions. The Spanish Government suggests the imposition of penalties such as are ordinarily provided in the case of a breach of labour legislation. The Swedish Government is also of opinion that guarantees should be included if possible, but is not in a position to make any suggestions as to their character.

The Latvian Government considers that, in the conditions of its country, no guarantee of fresh employment will be possible. The Netherlands Government, while considering that there is a real danger of a reduction of hours of work resulting in less instead of more employment, is opposed to the application of any measure

of coercion upon employers to secure the employment of additional staff.

The Government of the Province of Manitoba is of opinion that guarantees should not be included in the Draft Convention. The Governments of Finland and Italy consider that special guarantees would not be necessary. The Danish Government also considers that guarantees would not be necessary, provided small establishments are excluded from the scope of the Convention, and is doubtful whether in any case it would be practicable to devise guarantees of this kind.

Doubts as to the practicability of formulating any guarantees that could be included in the Draft Convention are expressed by the Governments of Austria, Belgium, Chile, France, Norway, Switzerland and Yugoslavia. The Swiss Government considers that the national authorities should be left free to adopt any measures that may be found practicable, and suggests that the achievement of the desired end would be facilitated by allowing considerable freedom in the resort to shift work, by making it difficult for undertakings to work overtime for long periods, and by close collaboration between the authorities responsible for the issue of overtime permits and the employment exchanges, which should be notified by employers who have proposed to discharge workers. The Austrian Government refers to the possibility of this matter being dealt with by collective agreements between employers and workers.

In view of the general doubt as to the practicability of including in international regulations any express guarantees as to the employment of additional workers, it is clear that no specific proposals on the subject can be formulated for submission to the Conference. Indirectly, of course, guarantees that the end in view will be achieved would be furnished by the general provisions of the Convention, and in particular by the careful definition of its scope and regulation of exceptions, and by adequate enforcement. Given these conditions the creation of fresh employment would, as the Chilian and Italian Governments point out, follow automatically upon the application of the reduction in hours.

VIII. — Exceptions

QUESTIONS 24 TO 29: REPLIES ON PAGES 92 TO 103

Emergencies (Question 24)

The replies reveal unanimity upon the adoption of the usual provision for exceptions to meet cases of accident, actual or threatened, urgent work to machinery or plant and cases of *force majeure* so far as may be necessary to avoid serious interference with the ordinary working of the establishment.

Preparatory, Complementary and Intermittent Work (Question 25)

There is also complete unanimity that provision should be made for exceptions for preparatory and complementary work and for classes of workers whose work is essentially intermittent. Some difference of opinion exists, however, on the question of limiting the extent to which this exception may be availed of.

The following Governments suggest the inclusion in the Draft Convention of various limits to the number of additional hours that might be authorised, the number proposed in each case being shown in brackets: the Canadian Provinces of Manitoba (eight hours a week) and Saskatchewan (no figure suggested); Chile (two hours a day); the Netherlands (twelve hours a week); Poland (one hour a day for preparatory and complementary work, two hours a day for intermittent work); Spain (a daily maximum not in any case to exceed eight hours); Sweden (seven hours a week for preparatory and complementary work).

The only Governments that propose the fixing of a maximum percentage of the total staff to which these exceptions should apply are those of the Canadian Provinces of Manitoba (50 per cent.) and Saskatchewan (no definite figure proposed); Chile (10 per cent.), and the Netherlands (10 per cent.). The Polish Government suggests that the Draft Convention might include a stipulation that the percentage should be as low as possible.

The Swiss Government regards the fixing of definite limits as difficult and suggests instead provisions to give compensatory time off and to secure sufficient rest periods. The Austrian Government is not in favour of fixing a limit.

The Governments of Finland, Latvia, Norway and Yugoslavia, and in the case of intermittent work, Sweden, propose that the question of limitation should be left to be dealt with by the competent national authority. The Danish Government is of opinion that the precedents of the Conventions of 1919 and 1930 should be followed. These, it will be recalled, provide for the matter being dealt with by national regulations made after consultation with the organisations of employers and workers concerned and for payment of overtime involved at 25 per cent. above the normal rate. The Belgian Government also proposes that the matter should be dealt with by the competent authority after consultation with the workers concerned. In the Italian Government's view the matter should be dealt with by collective agreements approved by the competent authority. The French Government considers that it would be difficult to prescribe any definite limitation but that the kind of work and the classes of workers in respect of which the exceptions should apply should be precisely defined.

In view of the general trend of these replies it would seem most appropriate to follow the precedents already established and to leave this matter to be dealt with by the competent national authorities.

Overtime for Economic Requirements (Question 26)

The questions so far dealt with relate to the normal hours of work, to the overtime which may be necessitated by emergencies and to the special arrangements which may be required for preparatory, complementary and intermittent work, but since the flow of work in an undertaking is not necessarily uniform throughout the year it is necessary to consider whether provision should be made for overtime to meet seasonal variations in the volume of work or an occasional unavoidable period of pressure. This is the subject matter of Question 26 which also invited Governments to give their views as to the limitations that it might be desirable to place on the resort to such "overtime for economic requirements", since if there were no limitation at all there might be a risk of the whole purpose of the Convention being defeated by excessive and long continued working of overtime.

Three Governments, those of Bulgaria, the Canadian Province of Manitoba and Chile, reply in the negative to the question whether provision should be made for overtime for economic requirements, the last-mentioned Government expressing the opinion that any such provision would be too elastic and therefore dangerous.

All the remaining Governments agree that some provision of this kind should be included in the Draft Convention and several of them indicate the kind of circumstances in which overtime should be allowed. The Danish Government would prohibit all overtime except what is strictly necessary and considers that the best way of enforcing this prohibition would be to insist on a reduction of the ordinary hours corresponding to any overtime worked (except in special cases such as repairs to machinery). The French Government would admit overtime only for certain classes of establishments the working of which is specially liable to vary considerably in the course of the year. The Norwegian Government proposes that overtime should be allowed when necessary to prevent damage to perishable products or products in course of manufacture and for unforeseen work. The Spanish Government considers that overtime should be allowed only by way of rare exception and subject to prior consideration of the case by the workers' and employers' organisations and the competent authority concerned.

As to the limitation of the amount of economic overtime worked, a number of different suggestions are made.

The Austrian Government is of opinion that the details should be left to be settled by the competent national authorities after consultation with the employers' and workers' organisations, which is the provision made in the 1919 and 1930 Conventions, and agrees that a numerical limit should be fixed but considers that the limit should be higher for small establishments. The Finnish Government considers that the amount of overtime necessary may vary. Different maxima must be fixed in accordance with the requirements of the different industries. This is also the view of the Latvian Government.

The Italian Government and the Provincial Government of Saskatchewan propose that a maximum number of hours of overtime should be fixed but do not suggest a figure.

Other Governments make suggestions as to what the limit or limits should be. The Belgian Government suggests a limit for all industrial and commercial undertakings of 150 hours a year to be utilised at the rate of not more than two hours a day and subject to the approval of the factory inspection service. The French Government proposes a general limit of sixty hours a year, the number of additional hours per day not to exceed two. The Spanish Government also considers that the maximum amount of overtime worked on any one day should be two hours with a weekly and daily average below that fixed by the ordinary legislation on hours of work. The Netherlands Government proposes a scale varying with the age and sex of the workers, namely eight hours a week and fifty-two hours a quarter for young persons aged fourteen and fifteen years, twelve and seventy-eight hours for young persons of sixteen and seventeen years and women of eighteen years or over, and sixteen and 104 hours for men of eighteen years or over. The Polish Government's suggestion is a general limit of 120 hours a year.

The Italian, Swedish, Swiss and Yugoslav Governments base their proposals on a division of the overtime allowance into fractions or quotas to which different conditions should be attached. The Italian Government does not suggest any figures, but approves of a quota system, the first quota being utilisable at the employer's discretion, the second after authorisation by the competent authority and the third by agreement between the organisation concerned.

The Swedish Government suggests a first quota of 60 hours a year, utilisable without special authorisation but not at a rate exceeding twenty hours in four weeks, and a further quota of sixty hours utilisable under permit from the competent authority. The Swiss Government proposes the fixing of a daily maximum of two hours (longer in urgent cases) and a yearly maximum of 240 hours for men and 140 hours for women, the competent national authority being left free to fix special limits within these maxima for certain industries or activities. The yearly allowance would be utilisable as to eighty hours without special authorisation and as to the remaining 160 hours under permit from the competent authority. The Yugoslav Government proposes a general limit of sixty hours a year, increased to 120 for certain industries. Overtime to this extent might be allowed by the competent authority after consultation with the employers' and workers' organisations concerned and the authority might also give temporary permits for additional overtime in cases of emergency in which it is materially impossible to engage extra staff, subject, however, to the condition that no individual worker should work more than sixty extra hours a year. Further, special extensions beyond these limits might be made in pursuance of collective agreements subject to the approval of the competent authority.

There is, it will be seen, general agreement that provision should be made for overtime for economic requirements, that a limit to the amount of such overtime should be fixed, and that there should be both some degree of flexibility and some control to prevent abuse. The method of fractions or quotas suggested by a number of Governments seems to offer an appropriate method of effecting this combination of flexibility with control.

Extra Pay for Economic Overtime (Question 27)

The next question is whether, overtime for economic requirements being allowed, the rate of pay for it should be increased above the normal and to what extent.

The Netherlands Government is of opinion that the public authorities should not intervene in matters of wages. The Swedish Government is also opposed to this matter being dealt with, considering that it should be left to be settled by collective agreements.

All the other Governments consider that the Draft Convention should include a provision for extra pay.

The Swiss Government puts forward for consideration the suggestion that the increase should be payable only in the case of overtime worked under the second quota for which a permit is required, the overtime for which extra pay would be due being overtime in excess of the weekly hours at present being worked.

The Governments of Bulgaria and the Canadian Provinces of Manitoba and Saskatchewan do not suggest any particular rate of extra pay, while the proposals of other Governments as to the amount of the increase range from 25 to 100 per cent.

The Government of Chile suggests a flat rate of increase of 50 per cent. The Governments of Finland and Latvia favour a progressive rate of 25 to 100 per cent. The Spanish Government proposes 25 per cent. for the first hour of overtime and 50 per cent. for the second hour or for night overtime where night work is not usual. The Polish Government suggests 25 per cent. for the first two hours and 50 per cent. for all hours after the first two and for overtime at night and on Sundays and public holidays. All other Governments, namely those of Belgium, Denmark, France, Italy, Norway, Switzerland and Yugoslavia, agree in proposing a minimum flat rate of 25 per cent.

The weight of the replies is therefore in favour of fixing a flat minimum increase in pay of 25 per cent. for overtime for economic requirements.

Overtime for Small Establishments (Question 28)

The views of the Governments in regard to special provisions concerning the amount of the overtime allowance for small establishments, which is the subject matter of this question, naturally depend to a large extent upon the replies already given to Question 13, by which they were asked to say whether any

special provisions concerning small establishments should be included in the Draft Convention.

The Governments of Denmark, Finland, Latvia, Spain, Sweden and Yugoslavia are all in favour of the exclusion of small undertakings from the scope of the Draft Convention.

The Swiss Government proposes that small establishments should either be excluded or should be allowed higher normal working hours, but recognises that if the limit fixed is much higher than the general limit of forty hours, some special system in respect of overtime would be necessary. The Italian Government also considers that small establishments (those employing less than ten persons) should, if not excluded from the scope of the Draft Convention, be allowed a longer normal working week, and considers that the provisions of the Convention of 1919 (*i.e.* forty-eight hours a week, with overtime in addition by way of temporary exception authorised in accordance with regulations made after consultation with the employers' and workers' organisations, and subject to payment at 25 per cent. above the ordinary rates) would be sufficient to meet the needs of small establishments.

The Austrian Government is of opinion that all matters concerning overtime should be left to be dealt with by national laws or regulations in accordance with the precedent of the Convention of 1919, but suggests that a larger allowance of economic overtime should be permitted for small establishments.

The Government of Bulgaria does not give any reply to this question.

The Governments of Belgium, the Canadian Provinces of Manitoba and Saskatchewan, Chile, France, the Netherlands, Norway and Poland are all opposed to the making of special provisions for small establishments in respect of overtime.

As in the case of the earlier question relating to small establishments, an analysis of the replies to this question does not lead to any very decisive result. Taking the replies to the two questions together, however, it would seem that the largest measure of general satisfaction would be given by allowing the complete exclusion of establishments employing less than six persons, and subjecting all establishments employing more than that number to the same provisions in respect of overtime.

Other Exceptions (Question 29)

Only a few Governments put forward suggestions concerning cases other than those dealt with already in this section for which exception should be made.

The Belgian Government considers that the Draft Convention should allow of the working of the forty hours in a five-day week, with a daily maximum of eight hours, but this question of the distribution of hours over the week has already been dealt with in Section V. This Government also suggests that it should be permissible to suspend the operation of the Convention in the event of

war or other emergency endangering the national safety. The French Government makes a somewhat similar but more far-reaching suggestion, proposing that exceptions should be allowed for work done in the interests of public safety or national defence, or by a public service on the orders of the Government.

Exceptions of a different character are contemplated by the Governments of Norway, Italy and Sweden. The Norwegian Government proposes that the competent national authority should be at liberty to allow exceptions for industries in sparsely populated districts, particularly for seasonal industries, the workers in which are temporarily housed in huts. The Italian Government is also of opinion that it may perhaps be necessary to allow of exceptions for seasonal industries subject to conditions to be determined by collective agreement. The Swedish Government is of opinion that the competent authorities should be able to allow exceptions where the reduction of hours would have the effect of causing an undertaking to limit or cease working, and where an exception which would not involve an undue extension of hours of work is recognised as necessary to avoid serious consequences, and is considered by the great majority of the workers concerned to be desirable.

Proposals that have been put forward by only one or two Governments can hardly be included by the Office in the proposals it has to submit to the Conference, but the replies to this question clearly confirm the conclusion to be drawn from the replies to the earlier questions, that the Draft Convention should not be too rigid, but should allow a certain latitude and flexibility in application.

IX. — Enforcement and Supervision

QUESTIONS 30 AND 31: REPLIES ON PAGES 103 TO 107

Notification and Record (Question 30)

This question asked for the views of Governments as to the inclusion in the Draft Convention of stipulations modelled on those contained in the earlier Conventions on hours of work and designed to facilitate enforcement.

Virtually all the Governments, with the exception of the Provincial Government of Manitoba, are in favour of the inclusion of the provisions suggested in the question, namely the imposition on every employer of an obligation to notify the system of arrangement of hours of work, its method of application, and the time-table of work and rest periods, and to keep a record of overtime pay.

The Netherlands Government, however, utters a warning against imposing too heavy a burden of record keeping on employers, and suggests that it might be preferable to leave the States themselves to determine what measures of control are necessary or expedient.

The French and Swiss Governments suggest measures of control additional to those indicated in the question. The former Government proposes that in the case of shift work the employer should be required to post up not merely the times at which each shift begins and ends, but also the names of the workers composing each shift, and that, in the case of overtime worked in virtue of a notification or authorisation given in accordance with the provisions of the Convention, the employer should post up a copy of the notification or authorisation. The Swiss Government also deals with the question of overtime, and suggests that employers should be required to notify the supervisory authority whenever overtime is worked, even in cases in which no special permit is required.

International Supervision (Question 31)

All States Members ratifying the Draft Convention will be required, in accordance with the provisions of Article 408 of the Treaty of Versailles, to furnish to the International Labour Office annual reports upon the steps taken by them to give effect to the Convention. The scope of these reports has to be decided by the Governing Body, but it might be thought desirable to specify in the Draft Convention itself certain information that should in any case be included in the annual reports, and on this point the Governments were consulted by Question 31.

The Governments of Belgium, Bulgaria, the Province of Saskatchewan, and Switzerland gave no specific reply on this point. The Provincial Government of Manitoba is opposed to the inclusion of any special provision in the Draft Convention. The Government of Sweden also considers special provision unnecessary in view of the fact that the Governing Body determines the form of the report, and in doing so can take account of the requirements of international supervision. The Netherlands Government deprecates the inclusion of too much detail in the annual reports in so far as this would create a risk of adding to the burden of administrative work. The Finnish Government considers that, while it would be difficult to furnish detailed information regarding the arrangement of hours of work, the communication of certain general information would be desirable. The Austrian and Spanish Governments reply to this question in the affirmative. So also does the Chilian Government, which, however, does not consider the specification of certain points in the Draft Convention to be strictly indispensable. To the Norwegian Government it appears difficult to specify what information the annual reports should contain beyond that provided for in Article 408.

Six Governments make suggestions as to matters upon which Governments should be required by the terms of the Draft Convention itself to furnish information in their annual reports. Information as to the methods of arranging hours of work adopted in each country is proposed by the Governments of Denmark, Latvia and Poland. Particulars to show the extent of the applica-

tion of the Convention are suggested by the Governments of Denmark and Poland. The Danish Government also includes among its suggestions as to matters to be specified, the extent to which overtime is worked and the rates of pay for overtime. The French Government's suggestions include detailed statistics relating to the exceptions of which advantage is taken, and to breaches of the Convention. The Polish Government proposes that the information to be specified should include information as to the effects of the application of the Convention in increasing the number of persons in employment. The Italian Government suggests information on all matters that are left by the Draft Convention to be settled by national laws or regulations or by collective agreements, and the Yugoslav Government also considers that information should be furnished concerning all regulations issued in the application of the Convention, the authorisations granted in virtue of the Convention, and the terms of all collective agreements relating thereto.

There would appear to be general agreement that the Draft Convention itself might specify certain matters upon which information should be furnished in the annual reports, and the various suggestions made are calculated to facilitate drawing up a list of at any rate the more important matters upon which information will be desirable for the purpose of international supervision, for example, the arrangements of the weekly hours adopted, the provision made for transport and for special kinds of work, and the utilisation of overtime.

X. — Geographical Extent of the Regulations

QUESTIONS 32 AND 33: REPLIES ON PAGES 107 TO 110

The replies reveal general agreement that the Draft Convention should apply to all States Members of the Organisation, and that it would be desirable to make provision for some procedure by which States that are not Members of the Organisation could be associated in the application of the Convention.

XI. — Special Systems for Certain Countries

QUESTION 34: REPLIES ON PAGES 110 TO 112

The Convention of 1919 included a number of special provisions for certain countries. This precedent was not, however, followed in the later Conventions on hours of work, and Question 34 asked for the views of Governments as to whether the new Covention should make provision for special systems for certain countries, and in particular for Asiatic countries.

The Governments of Bulgaria, the Canadian Province of Manitoba and Yugoslavia express no opinion on this point.

The Governments of Finland and Latvia, while not replying to this question, call attention in their replies to Question 32 to the necessity for taking account of the special circumstances of countries in which the conditions differ from the normal, as is provided in Article 405 (3) of the Treaty of Peace.

The Governments of Belgium, the Canadian Province of Saskatchewan and Chile reply to the question in the affirmative. The Belgian Government, however, stipulates that if certain States are to be given the benefit of special systems they must show that they are undeveloped or that their technical organisation is clearly not up to the level of that of other countries, while the Chilian Government is of opinion that special systems should be allowed only when justified by an imperative necessity for adaptation to exceptional conditions.

The Spanish Government replies in the affirmative to the question, but intimates that it is far from wishing to imply that the Convention should include provisions which would permit of unfair economic competition or a lack of genuine protection for the workers in the countries concerned.

The Swedish Government urges that in view of the progress of industrialisation and other circumstances which may rapidly alter the conditions in which a country is a competitor in the world market, care should be exercised as regards the recognition of special systems implying a less rigorous regulation.

The Netherlands Government observes that in view of the fact that production in the Asiatic countries is now also almost entirely a question of machine production and that the capacity of the individual worker has only a steadily diminishing influence upon production, there is not sufficient reason to provide for special systems for those countries. The Swiss Government is definitely opposed to any special systems whatever for particular countries, considering that the industrial situation throughout the world has now become such that no country is any longer justified in claiming special treatment.

The seven remaining Governments, namely, those of Austria, Denmark, France, India, Italy, Norway and Poland, also reply to the question in the negative. The Government of India, whose attitude is of special interest in view of the reference in the question to Asiatic countries, points out that India is the only Asiatic country that has ratified the Convention of 1919 and adds that until other Asiatic countries have attained that standard there is little possibility of securing agreement between them regarding further reductions of hours.

It is clear that there is a strong feeling among the Governments against the inclusion in the Draft Convention of any provision for special systems for particular countries.

XII. — Coming into Force and Duration of the Regulations

QUESTIONS 35 TO 39: REPLIES ON PAGES 113 TO 119

This section of the Questionnaire put to Governments a series of questions relating to the coming into force, duration and eventual revision of the Draft Conventions.

Coming into Force (Questions 35 and 36)

Normally the actual coming into force of a Draft Convention is conditional upon its ratification by two States, and Question 35 asked whether this should also be the case with the Draft Conventions now under consideration.

Seven Governments, namely, those of Bulgaria, the Canadian Provinces of Manitoba and Saskatchewan, Chile, Denmark, Netherlands and Norway, either expressly approve of the normal condition of ratification by two States or do not suggest any departure from it.

A number of Governments propose that the coming into force of the Draft Convention should be conditional on its ratification by a group of States.

The Belgian Government subordinates its adherence to the Convention to the condition that it should be ratified by a group of eight States, namely, Belgium itself, Canada, France, Germany, Great Britain, India, Italy and Japan. The Polish Government names ten States for this purposes: Austria, Belgium, Czechoslovakia, France, Germany, Great Britain, Italy, the Netherlands, Poland itself and, if possible, Japan. The Italian Government proposes that the group should include the States of chief industrial importance, including the extra-European States. The Austrian and Latvian Governments also propose that the group should consist of the most important industrial States. The Finnish Government considers that even if ratification by all the most important industrial countries is not required, at any rate the coming into force of the Convention should be conditional on its ratification by several States. The Government of India proposes a group of ten States, but does not suggest any specification of which States these should be. The Swedish Government suggests as the proposed condition ratification by four of the principal industrial States that are Members of the Organisation, and the Spanish Government suggests ratification by three States, adding that it might be desirable to stipulate that these States should be of a certain industrial importance. The Yugoslav Government considers that the condition should be ratification by a certain number of the States most directly affected.

The French Government considers that the Convention should provide a procedure for ensuring its simultaneous ratification and

putting into force by the Governments of States which are in economic competition with one another.

The Swiss Government, while not proposing the inclusion of any special provision in the Draft Convention, indicates in its reply that if it is to ratify the Convention it will be necessary that the other States with which Switzerland is in competition on the world market should ratify at the same time.

It will be seen that the Governments are fairly evenly divided as to the expediency of any special condition in the Draft Convention itself, but that there is a widespread desire for concerted action in regard to ratification. There are, moreover, considerable divergencies between the various proposals put forward, and this fact adds to the difficulty there would be in devising any arrangement other than the usual one. In the circumstances, the Office does not consider that, pending discussion of the matter by the Conference itself, there is a sufficient basis for formulating any new proposal.

The condition precedent of a certain number of ratifications having been fulfilled, there still remains the question as to the precise date at which the obligations undertaken by each State on ratification are to become fully effective. The normal practice is that the Convention comes into force twelve months after the date of registration of the first two ratifications so far as the first two States are concerned and for States ratifying subsequently the date of coming into force is for each of them twelve months after the date of registration of its ratification. Question 36 asked Governments for their views as to whether this normal interval of twelve months should be maintained in the case of this Convention or whether a shorter interval should be adopted.

Ten Governments, namely, those of Austria, Bulgaria, the Canadian Provinces of Manitoba and Saskatchewan, Finland, Latvia, Norway, Spain, Sweden and Switzerland, are in favour of maintaining the normal interval of twelve months.

Certain other Governments consider that the interval should be shorter than is normally provided for. The Governments of France and Yugoslavia do not put forward precise suggestions as to the length of the interval. The Governments of Belgium, Chile, Italy and Poland suggest an interval of six months. The Governments of Denmark and the Netherlands propose an interval of three months.

The Government of India considers that if the number of ratifications required is fixed at a sufficiently high figure it should not be necessary to prescribe any interval.

There is, of course, a practical connection between this and the preceding question. If, as many Governments evidently desire, an effort should be made to secure simultaneous application of the Convention by a number of States, the negotiations to this end would necessarily take a certain amount of time. Once these negotiations had been brought to a successful conclusion, however, there would appear to be little object in further delay and the Convention might

come into force after a shorter interval of, say, three or six months, subsequent to the registration of the ratifications. It is clearly desirable, in view of the urgency of the unemployment situation for which the Convention is designed as at least a partial remedy, that the provisions of the Convention should come into actual operation at the earliest practicable moment permitted by the necessity for each State of taking any measures that may be required to give effect to them. The discussions at the Conference will reveal what procedure is best calculated to achieve this end, and the Office feels that pending these discussions there would be little point in proposing any special period.

Duration (Questions 8 and 37 to 39)

In accordance with the practice hitherto followed, a Draft Convention is not given a definite period of validity as such, but provision is made that a State that has ratified it may not denounce it until after the expiration of a certain period, which is normally ten years, and this may be regarded as its period of validity. But it would be possible to provide that a State should be bound for a fixed period—the period of validity—after ratification of the Convention unless it denounced the Convention at an earlier date, and the denunciation should not be permitted until after the expiration of a period also fixed. In Questions 8 and 37 Governments were asked for their views as to whether the period of validity and the period after which denunciation should be permitted ought to be given the usual duration of ten years or whether a shorter period should be fixed in either case.

The replies of the Governments to this point naturally depend to some extent on whether they regard the Draft Convention as a measure designed solely to meet the existing unemployment crisis or whether they regard it as being also a measure designed to further the continuing purpose of enabling workers to participate in the benefits of technical progress.

The French Government, for the reason just given, abstains from making any definite suggestion, but it adds that even if a shorter period of validity is fixed than is usual it would be prudent to provide for its prolongation in the event of the present crisis not having terminated by the time that period expires.

The Chilian Government proposes the adoption of the normal duration of ten years in respect of both the period of validity and the period after the lapse of which denunciation should be permitted.

A few Governments propose to fix different limits for the period of validity and the period for denunciation. The Governments of the Canadian Provinces of Manitoba and Saskatchewan, Norway, Spain and Sweden suggest the usual period of validity of ten years, with the right to denounce the Convention after the lapse of a shorter period, which the Manitoban, Spanish and Swedish Governments suggest might be fixed at five years. The Bulgarian Government considers that the period of validity should be shorter than the

normal and that States should be allowed to denounce the Convention at any time.

The Netherlands Government proposes a maximum of one year; at the expiration of the year the State would not be required formally to denounce the Convention but would be free to decide whether or not it wished to continue to be bound for a further period of a year. The Indian Government suggests a period of validity of three years, and considers that if the Draft Convention is given a short period of validity at the expiration of which it would lapse automatically, there would be no need to include any provision as to denunciation. The Finnish Government also proposes a period of validity of three years and is of opinion that if, as is usual, no definite period of validity is fixed denunciation should be permitted after a shorter interval than is usual.

The Italian and Polish Governments propose a period of validity of two or three years, the former Government adding that there should be a possibility of a renewal of the Convention at the expiration of that period. Both these Governments suggest the same period of two or three years for the purpose of denunciation.

The Austrian, Danish, Swiss and Yugoslav Governments consider that the period of validity should be shorter than is usually fixed and suggest three years as the period after which the Convention may be denounced. The Belgian Government proposes three years for both periods. The Government of Latvia is of opinion that the period of validity and the period of denunciation should both be shorter than the normal period of ten years but does not make any proposal as to the length of these periods.

On the whole the majority of the replies seem to show that Governments would not regard as justified the innovation of fixing a period of validity for the Convention distinct from the period after the lapse of which denunciation is permitted. As to the period for denunciation, having regard on the one hand to the general desire of the Governments that the Draft Conventions should serve both the immediate purpose of relieving unemployment and the continuing purpose of ensuring that the workers participate in the benefits of technical progress, and on the other hand to the desire of a considerable number of Governments that the duration of the obligation undertaken by a State on ratification should be shorter than is usual, the most appropriate course would seem to be to allow denunciation of the Convention after a period of five years after it first comes into force.

In the Draft Conventions hitherto adopted by the Conference denunciation by States individually has been permitted. Question 38 raised the issue as to whether in the present case denunciation should be made conditional upon a collective decision.

The Indian and Netherlands Governments, which envisage the automatic lapsing of the Convention after a relatively short period without formal denunciation, naturally do not make any proposal on this issue of individual or collective denunciation. The Provincial Government of Manitoba likewise offers no suggestion on the point.

The Austrian Government proposes that denunciation should require a collective decision of the States that have ratified the Draft Convention.

The French Government considers that if, as it proposed in its reply to Question 35, the Draft Convention provides a procedure for ensuring its simultaneous ratification and putting into force by the Governments of States in competition with one another, denunciation by any one of the States should entitle the other States to terminate their obligations under the Convention within the same period. The Italian Government goes further and, on the assumption that the carrying into force of the Convention would be made conditional upon its ratification by a group of States, proposes that denunciation of the Convention by any one of these States should automatically entail the complete lapsing of the Convention.

The Spanish Government considers that States should be allowed to denounce the Convention individually, but proposes that if the coming into force of the Convention is made conditional upon ratification by more than three States a collective decision as to denunciation should be required and offers suggestions as to the procedure which might be adopted.

Eleven other Governments reply in favour of individual denunciation.

As there is a substantial majority of the replies in favour of allowing States to denounce the Convention individually, and on the assumption that the coming into force of the Convention is not made conditional upon ratification by a certain number of named States (see Question 35), there would appear to be no reason for departing from the usual practice in this respect.

The final question in this group dealt with the period on the expiration of which the Governing Body of the International Labour Office should take into consideration the question of the total or partial revision of the Convention. Ordinarily this period is fixed at ten years; that is to say, the same as that fixed in respect of denunciation, and many Governments maintain, either explicitly or implicitly, this correspondence of the two periods in their replies to Question 39.

The Governments of Chile and Sweden suggest that this period should be fixed at ten years, as is usual. The Governments of Bulgaria, Finland, Latvia and Norway consider that the Governing Body should be free, if it thinks fit, to take the question of revision into consideration within less than ten years. The Austrian Government and the Provincial Government of Saskatchewan propose that the period should in any case be less than ten years. The Swiss Government suggests a period of five years, the Belgian and Yugoslav Governments three years, and the Danish and Polish Governments two or three years. The French and Italian Governments propose to fix the same period as is fixed in respect of the duration of the Convention. The Spanish Government points out that the decision to be taken on this question will depend upon the decisions concerning the other matters dealt with in this group.

Although the suggestions put forward by the Governments range from two to ten years, there would seem to be some measure of agreement that the period should be of the same duration as is fixed in respect of denunciation, whatever that may be (e.g. five years, as suggested by the Office in dealing with Question 37). This would be in accordance with the usual practice, and a decision by the Conference to this effect would not, of course, prevent the question of revision being considered by the Governing Body at an earlier date if the necessity should arise.

XIII. — Technological Unemployment

Question 40: Replies on Pages 120 to 122

This question put forward the suggestion that the Conference should invite Governments to communicate to the International Labour Office information on the development of technological unemployment, having regard among other things to the volume of production and the number of workers employed at different dates.

The Austrian Government is somewhat dubious of the expediency of such an invitation, since it considers that the collection of the information might entail additional expense which ought as far as possible to be avoided. The Netherlands Government also considers that any enquiry into this subject should be of a simple character so as to avoid any considerable expenditure by the States. The Finnish Government doubts the possibility of distinguishing technological from other unemployment, but agrees that information concerning it might be included, where circumstances permit, in the information furnished periodically to the Office. The Norwegian Government is of opinion that the Office should submit a detailed draft regarding the information to be given before the Conference takes a decision on the subject.

The Government of India does not consider that this matter should form the subject of a Recommendation but sees no great objection to the adoption by the Conference of a resolution.

Subject to these reservations all the Governments on the whole approve of the proposal that the Conference should invite them to furnish information to assist an enquiry by the Office into the subject of technological unemployment.

The French and Italian Governments propose that this be left to the Governing Body to determine, the latter Government making the additional suggestion that a special committee should be set up by the Governing Body to formulate proposals. The Belgian Government suggests that Governments should be invited to direct their factory inspection services to undertake an inquiry in collaboration with the employers' and workers' organisations and in accordance with a plan to be drawn up in advance by the

Governing Body. The Government of Chile suggests the inclusion of information on the following points: volume of production per industry; percentage of wages in cost of production; total numbers of persons employed and unemployed; causes of any increase in unemployment in individual industries; and effect of the reduction of hours of work on the volume of output. The Latvian Government suggests that the material to be furnished should include all available information on the development of technological unemployment, information on seasonal unemployment, and all available data concerning production and the number of workers employed on different dates.

It would seem that there would be general agreement on the part of the Governments to the adoption of a resolution on this subject by the Conference and perhaps the most appropriate course would be to leave to the Governing Body the task of mapping out the field which the enquiry is intended to cover.

CHAPTER III

CONCLUSIONS AND TEXTS OF TWO PROPOSED DRAFT CONVENTIONS, OF A DRAFT RECOMMENDATION AND OF A DRAFT RESOLUTION

General Considerations

The purpose of this chapter is to sum up the conclusions to be drawn from the survey of the problem of reduction of hours of work which appears in the preceding chapter, and to give such explanations as seem necessary of the texts that the Office has framed on the basis of these conclusions for consideration by the Conference.

It must be confessed that on this occasion the Office has found its task of framing proposals which may serve as a basis for the discussions of the Conference to be of more than usual delicacy and difficulty. In one respect, it is true, the replies so far received from the Governments to the Questionnaire have rendered the task easy, the replies having revealed a very considerable and highly encouraging measure of agreement among the Governments that a general reduction of hours of work is an important and even necessary factor in any serious plan of reconstruction designed to deal with the prevailing scourge of unemployment. There is also a substantial majority of replies in favour of the adoption of international regulations in some form in order to secure this general reduction of hours of work. Further, there is a substantial majority in favour of these international regulations being cast in the form of a Draft Convention or Conventions.

On the other hand, while this concordance of opinion must undoubtedly carry great weight, the fact cannot be ignored that at the date at which this report had to be prepared, no replies had been received from the Governments of a number of States Members, including some of great industrial importance, to the views of whose Governments the Conference would naturally attach a high value. It has therefore been difficult to make the approximate forecast of what the balance of opinion would be at the Conference which is a necessary preliminary to the formulation of definite proposals.

Moreover, although there is an encouraging majority of replies from Governments in favour of the adoption by the Conference of

international regulations in the form of Draft Conventions, there is also some diversity of opinion as to their character and content. The Questionnaire based on the conclusions adopted by the Seventeenth Session of the Conference contemplated international regulations which would impose on the States that ratified the Draft Conventions a general and strict obligation to introduce a forty-hour week applying, with a certain limited degree of flexibility, to all industries, and with certain modifications of detail to commerce and offices, and to coal-mines. It is true that Question 10 mentioned the possibility of adopting a series of Draft Conventions each applying to a given industry, trade or activity, and that so far as replies were furnished to this question the general trend of opinion was in favour of following the established practice of dividing the field of employment (other than maritime and agricultural employment) into the three subdivisions of industry, coal-mines and commerce and offices, each of which would be the subject as a whole of a fairly uniform regulation. But it is the comprehensive scope of the obligation that would be undertaken by States if they ratified Draft Conventions of a general character, such as seemed to be contemplated by the Questionnaire as a whole, which appears to have led certain Governments to reply in the negative to the question as to the expediency of adopting international regulations. Even among the affirmative replies, there is evidence of some hesitation as to the practicability of general and uniform regulations. Three Governments, two of which replied in the affirmative and the other in the negative to the general question as to the adoption of regulations, expressed a preference for a series of Draft Conventions. One Government suggests four Draft Conventions in order to enable transport to be dealt with separately, while certain other Governments tend to favour the exclusion of transport from the scope of the regulations. Four Governments propose that employment in commerce and offices should not be brought within the scope of the regulations, while another Government considers that within this subdivision of the entire field shops should be excluded. Again, certain Governments are in favour of giving to the competent national authorities fairly wide powers of exclusion or special adaptation of the general regulations to meet special national conditions or the requirements of particular kinds of work, or even of individual undertakings. A similar desire for variety in the application of the regulations to meet the varied needs of different industries may be traced in the observations of certain Governments to the questions addressed to them in the report of the Preparatory Conference of January 1933 (cf. Chapter III of the Blue-Grey Report submitted to the Seventeenth Session of the Conference).

No doubt considerable satisfaction could be given to this desire for a much higher degree of flexibility than is usually considered expedient by allowing the competent national authorities to exercise a wide discretionary power. Perhaps also, the ratification of the Draft Conventions might be facilitated if they allowed a wide

discretion. On the other hand, almost all the replies to the Questionnaire lay stress upon the necessity for guarantees that States will be protected against unfair competititon from other countries.

It may be that replies of Governments received later will throw more light upon this problem, and certainly the discussions of the Conference will reveal what solution would be most likely to obtain the largest measure of general consent and to ensure subsequent ratification. Meanwhile, however, the Office has worked upon the material immediately available, incomplete though it was.

The Office accordingly submits for the consideration of the Conference proposals which conform to the accepted pattern for Draft Conventions dealing with hours of work. At the same time, in the elaboration of the detailed provisions it was necessary to take account of the views expressed in the majority of the replies and secure a considerable degree of flexibility, so far as would be consistent with the maintenance of the general standard and the prevention of possible abuses. The replies to the various questions concerning the detailed provisions of the regulations reveal a considerable measure of agreement, but with a view to securing general consent it is clearly necessary to take account not merely of the arithmetic of the replies to individual questions, but also of the general tenor of the replies as a whole. The Office has therefore found itself obliged to adapt or amplify certain of the proposals made, since the majorities in support of them sometimes differed in composition, and even occasionally to introduce complementary elements in order to produce a coherent whole.

Special Position of Coal-Mining

It seems clear from the replies that the Office is bound to submit to the Conference a text for separate Draft Conventions dealing respectively with industry and with commerce and offices. The replies also give a majority in favour of the principle of a separate Draft Convention dealing with coal-mines. Nevertheless, the Office does not feel that it would be justified in preparing a detailed text relating to coal-mines for consideration by the Conference at the present Session.

In the first place, detailed replies on this question have not been received from a number of important coal-producing countries, and the consequent uncertainty as to the attitude of the Governments of these countries diminishes appreciably the effective weight of the majority in favour of the adoption of a Draft Convention on coal-mines.

In the second place, the situation in regard to the international regulation of hours of work in coal-mines is very different from what it is in the case of industry generally, and in the case of commerce and offices. In the latter cases Conventions regulating hours of work are already in force. In the case of coal-mines, however, though the Conference adopted a Draft Convention in

1931, this has not yet come into force, and the ratifications necessary to bring it into force appear to be impeded by technical difficulties that have not at the moment been overcome. If practical results are to be achieved, it would clearly be desirable in the framing of a further Draft Convention dealing with coal-mines to remove every obstacle which might impede its ratification and early application. This would mean settling certain doubts on technical matters to which the Draft Convention of 1931 has given rise. A special tripartite conference has already been summoned for the purpose of considering these matters.

This, however, will not meet until after the close of the Eighteenth Session of the Conference, which will consequently not be in possession of information that it would obviously be desirable for it to have before taking a new and more far-reaching decision affecting this industry.

The arguments in favour of a further limitation of hours in coal-mines are certainly not less weighty than those which may be advanced in respect of other industries. Nevertheless, though it regrets the necessity for postponement, the Office has felt constrained for the purely practical reasons just outlined, to refrain from submitting to the present Session of the Conference proposals for a Draft Convention for the reduction of hours of work in coal-mines. In order, however, to indicate clearly that the consideration of regulations for coal-mines is only temporarily postponed, the Office proposes the inclusion in the Draft Convention dealing with industry of a definite statement (Article 1, paragraph 2), that the reduction of hours of work in coal-mines will be provided for by a future Convention.

It is true that the Draft Convention of 1931 applies only to persons employed on underground work and in the extraction of coal from open coal-mines. It might therefore have been possible to prepare a separate Draft Convention applying to the persons employed in coal-mines who are not covered by the Draft Convention of 1931. It would, however, be technically difficult and even somewhat paradoxical at the present stage to propose regulations which would give to surface workers the benefit of a shorter week than would be worked by underground workers, and in order to avoid this discrimination, the proposal submitted by the Office reserves for a future Convention the reduction of the hours of work of all persons employed in coal-mines.

Adherence to the usual method of dividing the field to be covered into three subdivisions has entailed the inclusion of transport within the scope of the proposed Draft Convention dealing with industry. The replies of the Governments, also, would hardly have justified the preparation of a separate Draft Convention dealing with transport alone. Moreover, although the special characteristics of transport might necessitate certain adaptations in the general arrangements for the reduction of hours, this branch of industry employs very large numbers of workers, who in many cases work long hours, and there is in many respects a very close connection between

this and other forms of industrial employment, so that the complete exclusion of transport from the scope of the international regulations would be difficult to justify. The Office has therefore included transport within the scope of the proposed Draft Convention relating to industry, but has endeavoured to meet its requirements by allowing (in Article 5) special adaptations of the general rules in addition to those permitted for other branches of industry.

The Office therefore submits for the consideration of the Conference proposals for two Draft Conventions, the first applying to persons employed in industry and the second to persons employed in commerce and offices.

In conformity with the replies of the Governments, the two proposed Draft Conventions have been drafted on the same general lines. In order to avoid useless repetition therefore, a detailed commentary will be given on the proposals relating to industry. This section will be followed by a shorter section on the proposals relating to commerce and offices, giving such explanations as seem necessary on the matters peculiar to the second text. A third section will be devoted to consideration of certain matters, including in particular the standard articles, which would be common to the two Draft Conventions.

The question of wages and the standard of living in relation to the reduction of hours of work will be dealt with in a separate section of this chapter, and it is necessary here to say only that, in accordance with the desire of the majority of Governments (page 129), the Office's proposals take the form of a Draft Recommendation.

The concluding section of this chapter will be devoted to a proposed Resolution on the subject of technological unemployment.

I. — Proposed Draft Convention for Industry

Scope

Article 1

1. This Convention applies to persons employed in industrial undertakings, whether public or private, including in particular:

(*a*) undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed—including undertakings engaged in shipbuilding or in the generation, transformation or transmission of electricity or motive power of any kind;

(*b*) undertakings engaged in the construction, reconstruction, maintenance, repair, alteration or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical installation, waterworks, gasworks or other work of construction, and undertakings engaged in the

preparation for or in laying the foundation of any such work or structure;

(*c*) undertakings engaged in the transport of passengers or goods by road or rail, including the handling of goods at docks, quays, wharves, warehouses or airports;

(*d*) mines, quarries and other works for the extraction of minerals from the earth, excluding mines from which only hard coal or lignite or principally hard coal or lignite together with other minerals are extracted.

2. The reduction of the hours of work of persons employed in mines to which this Convention is not applicable shall be provided for by a future Convention.

3. The competent authority in each country may exempt from the application of this Convention:

(*a*) persons employed in undertakings in which not more than six persons are employed;

(*b*) persons employed in undertakings in which only members of the employer's family are employed;

(*c*) persons occupying a position of supervision or management who do not ordinarily perform manual work;

(*d*) persons employed in a confidential capacity.

4. The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

The general scope of the Draft Convention is defined in paragraph 1, which adheres to the definition given in Article 1 of the Draft Convention of 1919 with certain minor modifications of a purely drafting character. Clause (*d*) of this paragraph effects the exclusion of persons employed in coal-mines as defined in the Draft Convention of 1931. Paragraph 2 of the Article constitutes a declaration by the Conference of its intention to proceed to a further reduction of hours of work in coal-mines by means of a Draft Convention to be adopted at a later Session.

Paragraph 3 of this Article represents a departure from the provisions of the Convention of 1919 justified both by the replies of the Governments to the Questionnaire and by the analogy of the Draft Convention of 1930 applying to commerce and offices. The earlier Convention completely excluded certain categories of workers from its scope. The proposals now submitted to the Conference provide that the competent national authority may exclude any one or more of these categories if it considers exclusion necessary or expedient. This procedure has the advantage that it does not entail any unnecessary restriction of the scope of the Convention.

Small Undertakings

Clause (*a*) of paragraph 3 deals with undertakings in which not more than six persons are employed. As has already been seen (page 133), the replies of Governments showed a division of opinion

on the question of the inclusion or exclusion of small establishments from the scope of the Draft Convention, and though there was a tendency in favour of their exclusion there was no very clear indication given by the replies as to the point at which the line of demarcation between small establishments and other establishments should be drawn.

In certain countries small undertakings employ in the aggregate a considerable number of persons who constitute a substantial proportion of the total number of industrial workers [1]. From the point of view of securing a shorter working week for a large number of workers and of equalising the conditions of competition between small and large undertakings, the inclusion of small undertakings within the scope of the Draft Convention might therefore appear desirable. In practice, however, it must be recognised that it would be difficult for a small undertaking, employing perhaps only two or three persons, to make up for the reduction of hours of work by employing an extra person, so that the inclusion of such undertakings would do little to further the purpose which the Draft Convention is intended to serve. The enforcement of legislation limiting hours of work also presents practical difficulties in the case of small undertakings, particularly those engaged in handicraft work. Moreover, the question of competition is not of such importance on the international field as it may be on the national field.

The best course, therefore, would seem to be to leave the question of the exclusion of small undertakings to be dealt with at the discretion of the competent national authorities. If in any country the effective application of the Draft Convention to such undertakings is considered desirable and practicable, there is no reason why they should be excluded. If, on the other hand, it is felt necessary to exclude these undertakings, the competent authority is empowered by this paragraph to exclude them.

There remains the question of the criterion to be adopted for defining what are small undertakings. In the replies of various Governments small undertakings were defined as those employing not more than a certain number of persons which ranged from two to ten. For the reasons already given it is clearly desirable that the line should not be drawn at too high a level. On the other hand, the purpose of the reduction of hours is to secure the employment of additional workers. If hours of work are reduced from forty-eight to forty a week, then assuming that the volume of employment in terms of man-hours is maintained, full-time work on the basis of a forty-hour week can only be provided in the proportion of one person to every five formerly employed. The minimum figure which could be adopted on this basis would therefore be five. To allow

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[1] See the information on this point collected by the Office in response to a request by the Tripartite Preparatory Conference and published in the *International Labour Review*, Vol. XXVII, No. 6, June 1933.

for some latitude above this arithmetical minimum so as to take account, for example, of the fact that one of the workers may be employed in a supervisory capacity, the Office proposes that the competent authority in each country should be free, if it considers necessary, to exempt from the application of the Convention persons employed in undertakings in which not more than six persons are employed. It will be noted that the number six applies to persons *employed*, and that therefore the owner of the undertaking need not be reckoned as included in the six persons referred to. Any other persons, such as members of the employer's family, who may be employed in the undertaking, would, however, have to be reckoned.

Family Undertakings

Clause (*b*) of this paragraph permits the exemption from the application of the Convention of persons employed in undertakings in which only members of the employer's family are employed. Such persons are entirely excluded from the scope of the Convention of 1919 by the opening paragraph of Article 2, and there appears to be fairly general agreement that it should be possible for Governments to exempt from the application of the Convention family undertakings as well as other small undertakings.

Positions of Supervision, Management and Confidence

These three classes of persons are dealt with in clauses (*c*) and (*d*), on the lines on which the replies of the Governments revealed general agreement (see page 135). The Convention of 1919, in Article 2(*a*), used the phrase " persons holding positions of supervision or management ", but as is well known, this definition has given rise to some difficulties of interpretation, and the definition adopted in clause (*c*)—" persons occupying a position of supervision or management who do not ordinarily perform manual work "—which is designed to avoid these difficulties, is the same as was adopted for the purpose of the Convention of 1931 on coal-mines. It does not seem practicable to suggest a detailed definition, suitable for embodiment in international regulations, of the persons to be regarded as employed in a confidential capacity, and it is therefore left to the competent national authorities to make any necessary distinction between the kinds of work to be exempted in virtue of this provision and those to be covered.

Distinction between Industry, Commerce and Agriculture

Paragraph 4 of this Article follows exactly the provision of the concluding paragraph of Article 1 of the Convention of 1919, which leaves it to the competent authority in each country to define the line of division which separates industry from commerce and agriculture.

Definition of Hours of Work

Article 2

For the purpose of this Convention the term " hours of work " means the time during which the persons employed are at the disposal of the employer and does not include rest periods during which they are not at his disposal.

The definition of what is meant by " hours of work " given in this Article is that agreed upon by the Ministers of Labour of certain countries who met in London in March 1926 to consider the interpretation of certain provisions of the Convention of 1919. It was subsequently incorporated in the Convention of 1930 relating to commerce and offices and virtually all the replies from Governments (page 137) were in favour of retaining it for the purposes of this Draft Convention.

Limitation and Arrangement of Hours of Work

Article 3

1. No person to whom this Convention applies shall work for a number of hours exceeding an average of forty per week.

2. This average shall be calculated over a period not exceeding four weeks.

3. The hours worked in any one week shall be distributed within the week by an arrangement according to which the number of hours per day, excluding time permitted under Articles 7, 8 and 9, during which an undertaking, or any department, workshop or similar subdivision thereof, operates

(*a*) coincides with the number of individual hours of work of the persons employed therein, or

(*b*) where work is performed in successive shifts, is a simple multiple thereof.

4. The provisions of paragraphs 2 and 3 of this Article shall not apply in any case in which the competent authority has, after consultation with the employers' and workers' organisations concerned, or, where no such organisations exist, with representatives of the employers and workers concerned, approved a different arrangement of hours of work.

The first two paragraphs of this Article set out the basic provisions of the Draft Convention in regard to the average hours of work in a week and the length of the period over which the average is to be calculated. In accordance with the wishes of the great majority of Governments (page 138), it is provided that no person shall be employed for more than forty hours a week taking an average over a period of four weeks. This establishes what may be regarded as the standard practice, with reference to which the variations and exceptions dealt with in later provisions of the Draft Convention are framed.

The four-weekly period permits of a certain latitude in the arrangement of hours to suit the requirements of particular industries

or undertakings which usually work a variable week and also facilitates adjustments of hours which will enable extra staff to be taken on without an increase in the working-space, plant, etc., available. By way of example only, it may be pointed out that the requirement of a maximum of forty hours a week on an average over four weeks permits of any of the following arrangements being made: the hours of work of the whole staff may be fixed at forty hours in each week, obtained for example, by working five days of eight hours each; a higher number of hours may be worked by the whole staff in one week and the average reached by working a lower number of hours in the remainder of the four weeks period; the four weeks' total of 160 hours may be worked in less than four weeks and the average achieved by laying off the whole staff for the remainder of the period; part of the staff may work longer hours for a shorter period and then be laid off for the remainder of the four weeks and replaced by the remainder of the staff; single daily shifts may be replaced by two shifts a day working shorter spells; and so on.

This flexibility in the arrangement of hours is desired by the great majority of Governments (see page 137), but it might create a certain risk of confusion and hence a possibility of abuse. It would be very difficult to ensure that the requirements of the Convention were being strictly respected if, for example, an establishment were to be in operation for eight or nine hours on a day on which the hours of certain workers were required, in order to comply with the Convention, to be limited to six or seven hours, so that the times of starting and ceasing work differed from worker to worker. To meet this difficulty, paragraph 3 of this Article provides for a correlation between the hours of operation of the establishment and the hours of work (apart from additional hours authorised by later articles) of the persons employed therein, and stipulates that the former must be either the same as the latter or—so as to take account of cases of shift work—must be a simple multiple of the latter. This correlation may apply either to the establishment and the staff as a whole or to any well-defined subdivision thereof. Ample latitude is given in this respect in order to permit of any adjustment of the working times of the various subdivisions of an establishment in relation to one another that may be required by the nature of the work carried on. Uniformity in daily hours of operation of the whole establishment is not required. What is required is uniformity within any well-defined subdivision so as to avoid any possibility of doubt or confusion as to the actual hours of work of the staff employed therein.

A still higher degree of flexibility is given by paragraph 4 of this Article, which permits of the forty-hour average being calculated over a longer period than four weeks or of a different arrangement of hours, or of departures from the standard practice in both these respects. The necessary safeguard against abuse is provided by stipulating that any such departure must be approved by the competent authority which, before giving its approval, must

consult the employers' and workers' organisations concerned, or, if no such organisations exist, representatives of the employers and workers concerned. Hence, both the authority responsible for the enforcement of the regulations and all other persons concerned will know exactly what is the arrangement of hours to be adopted in any case of departure from the standard practice. Moreover, it is stipulated later (Article 10) that particulars as to the arrangement of hours in operation must be posted up in the establishment. The danger of abuse is thus eliminated.

This combination of provisions would appear to give the necessary degree of flexibility while ensuring effective application of the rule of an average of forty hours per week.

Continuous Processes

Article 4

> The weekly hours of work of persons employed in processes required by reason of the nature of the process to be carried on continuously by a succession of shifts may average forty-two, this average to be calculated and distributed in accordance with the provisions of the preceding Article.

This Article applies to employment on necessarily continuous processes exactly the same conditions as are applied by Article 3 to employment on ordinary work, with the sole difference that the average number of hours is fixed at forty-two a week instead of forty. This change is approved in virtually all the replies (page 138) and is of course justified by the requirements of working in successive shifts since the total number of hours in the week, namely 168, is not an exact multiple of forty. An average of forty-two hours a week calculated over four weeks permits of a variety of different arrangements of hours of work, e.g. four shifts a day working uniform six-hour spells, or four shifts of which three work an eight-hour spell each day in rotation, or various arrangements of the four-shift system under which members of a shift may work even fifty-six hours in one week, compensated by shorter hours in the three succeeding weeks.

Special Provisions for the Transport Industry

Article 5

> The competent authority may, by regulations made after consultation with the employers' and workers' organisations concerned, or, where no such organisations exist, with representatives of the employers and workers concerned, allow exceptions to the provisions of Articles 3 and 4 for persons employed in transport undertakings:
>
> Provided that no such regulation shall permit of any person being employed for an average of more than forty-eight hours per week.

As has already been seen (page 143), the replies of the Governments revealed a measure of agreement that, while the transport industry

should be included within the scope of the Draft Convention, it could not be dealt with in exactly the same way as other industries. The specific proposals made by Governments in respect of this industry range from complete exclusion to the fixing of the limit of hours of work at forty-eight per week, while several Governments which do not make specific proposals insist upon the need of flexibility in the application of the regulations to transport. The necessity for special treatment is recognised also in existing national legislation limiting hours of work. The proposals submitted by the Office therefore allow of variations from the standard practice in several respects.

In the first place, Article 5 permits the limit of forty or forty-two hours prescribed by Articles 3 and 4 for other industries being exceeded in the case of the transport industry, and the substitution of a limit not exceeding forty-eight hours a week on an average. Secondly, it allows this average to be calculated over any convenient period, without regard to the restriction of four weeks imposed by paragraph 2 of Article 3. Thirdly, it removes the restrictions as to the method of arranging weekly hours of work imposed by paragraph 3 of Article 3.

These provisions evidently are calculated to permit of the utmost flexibility in the application of the reduction of hours of work to the transport industry and constitute a very considerable relaxation of the general rule. For this reason, Article 5 stipulates that the departures from the standard practice may be allowed only when and to the extent that they are authorised by regulations made by the competent authority, and before any such regulations are made the competent authority must consult the organisations of employers and workers concerned, or, in the absence of such organisations, representatives of the employers and workers. In any event the regulations cannot allow the average of forty-eight hours a week to be exceeded. These stipulations should, it is thought, constitute a sufficient guarantee against undue laxity in the application of the principle of reduction of hours of work to the transport industry, while permitting the necessary flexibility as to methods.

The question of intermittent work, or work in which a distinction is necessary between the time during which a worker is in attendance or at call and his hours of effective work is of course of special importance in the transport industry. Special adjustments to deal with this problem are permitted by a later provision of the proposed Draft Convention (Article 7), and it should be noted that this provision applies to transport no less than to other industries.

Weekly and Daily Limits of Hours

Article 6

1. No arrangement of hours of work made under the provisions of Article 3 shall allow of any person working for more than eight hours in any one day or forty-eight hours in any one week.

2. Provided that, subject to the forty-eight-hour weekly limit, the daily limit may by the sanction of the competent authority or by agreement between employers' and workers' organisations, or, where no such organisations exist, between employers' and workers' representatives, be increased to nine hours.

3. Provided also that the limits of eight and forty-eight hours may be exceeded in exceptional cases in which the competent authority recognises them to be inapplicable and, after consultation with the employers' and workers' organisations concerned, or where no such organisations exist, the representatives of the employers and workers concerned, approves an arrangement of hours involving higher limits.

Up to this point, the proposed Draft Convention has laid down only a weekly average of hours of work, which must not be exceeded, but it has to be borne in mind that Article 2 of the Convention of 1919 imposes both a weekly and a daily limit of hours of work, and that the social reasons which justify the imposition of these limits cannot be ignored in the application of a further reduction of hours. A considerable majority of the replies from Governments (page 141) was in favour of respecting in the new Draft Convention the weekly and daily limits laid down by the earlier Draft Conventions on hours of work, and effect is given to this principle by Article 6. Paragraph 1 of this Article lays down the general limits of eight hours a day and forty-eight hours a week which appear in the opening paragraph of Article 2 of the Convention of 1919.

Paragraph 2 permits of arrangements similar to those contemplated in clause (*b*) of Article 2 of the Convention of 1919, whereby shorter hours of work on one or more days of the week may be compensated by slightly longer hours on other days, provided that on no day do the hours of work exceed nine, and that in no week do the hours of work exceed forty-eight. This provision gives further elasticity in the distribution of hours of work over the week in virtue of Article 3. Thus, to cite two widely different distributions as examples, a person may work a five-day week consisting of four days of nine hours each and one day of four hours, or he may work a six-day week consisting of one day of nine hours, two days of eight hours, and three days of five hours. Here again the safeguard required as the counterpart of flexibility is sanction by the competant authority or agreement on the part of the employers and workers concerned.

Paragraph 3 makes provision similar to that contained in Article 5 of the Draft Convention of 1919 to meet exceptional cases where it is recognised that owing to special circumstances the latitude allowed by paragraph 2 is not sufficient, and that it is necessary to permit hours in excess either of eight per day or forty-eight per week or in excess of both these limits. Latitude so wide as this clearly requires as a counterpart strict control, and accordingly this paragraph provides that the competent authority must recognise the earlier provisions to be inapplicable, and approve an arrangement of hours fixing higher limits. It also provides that before coming to any decision on the matter, the competent authority must consult the employers' and workers' organisations

concerned, or, in the absence of such organisations, the representatives of both employers and workers.

The combined effect of these provisions should, it is thought, be sufficient to satisfy the general desire for flexibility.

Preparatory, Complementary and Intermittent Work

Article 7

1. The competent authority may by regulation provide that the limits of hours prescribed in the preceding Articles may be exceeded in the case of:

(*a*) persons employed on preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the undertaking; and

(*b*) persons employed in occupations which by their nature involve long periods of inaction during which the said workers have to display neither physical activity nor sustained attention or remain at their posts only to reply to possible calls.

2. The regulations referred to in paragraph 1 shall determine the maximum number of hours which may be worked in virtue of this Article.

In the case of certain kinds of work the normal operation of an undertaking requires the carrying out of preparatory or complementary work outside the ordinary working hours of the staff of the undertaking as a whole. Exceptions to meet the requirements of such work are permitted by Article 6 of the Convention of 1919, and the replies of the Governments to the Questionnaire reveal complete unanimity (page 148) that a provision on the same lines should be included in the present Draft Convention. This provision is made by paragraph 1 (*a*) of Article 7 which allows the competent authority to issue regulations permitting exceptions from the limits of hours fixed by the preceding Articles.

The replies to the Questionnaire also show complete agreement as to the necessity for making provision for exceptions for " certain classes of workers whose work is essentially intermittent ". The phrase quoted appeared in the corresponding Article (Article 6) of the Convention of 1919 and, its interpretation having given rise to some difficulty, it was one of the matters considered by the conference of Ministers of Labour of certain countries held in March 1926. That conference agreed that the phrase should be interpreted as referring to " occupations which are not concerned with production properly so called, and which by their nature are interrupted by long periods of inaction during which the workers concerned have to display neither physical activity nor sustained attention, and remain at their posts only to reply to possible calls ".

This expanded definition, however, also presents some difficulties of application. It is in particular difficult to say precisely what are the occupations not concerned with production properly so

called, for example in the case of the transport industry. There are also instances of periods of employment of which account must be taken in this connection, but which are not interrupted by long periods of inaction, but are themselves periods of inaction (e.g. spare men on railways who must hold themselves at the disposal of their employer and be ready to reply to a possible call, but who are not actively at work, and may even be allowed to spend this time in their own homes).

Moreover, the fact that the condition of the worker remaining at his post only to reply to possible calls is made an addition and not an alternative to the condition of the worker displaying neither physical activity nor sustained attention rules out certain cases which would clearly comply with one or other of these conditions, but not necessarily with both. In order to take these difficulties into account, the Office proposes a somewhat modified version of the definition agreed upon by the conference held in London in 1926, and the definition incorporated in paragraph (*b*) of Article 7 is " persons employed in occupations which by their nature involve long periods of inaction during which the said persons have to display neither physical activity nor sustained attention, or remain at their posts only to reply to possible calls ".

The replies of certain Governments to the question concerning exceptions for preparatory, complementary and intermittent work (page 148) suggested the fixing of limits to the extent to which these exceptions could be availed of, but the general opinion seemed to be that in view of the great variety of cases which would have to be covered the matter should be left to be dealt with by the competent national authorities. Paragraph 1 of Article 7 therefore imposes on the competent authority the obligation to decide what are the cases in which exceptions are necessary, and paragraph 2 requires the competent authority to fix also the maximum number of hours which may be worked in virtue of the exceptions that are recognised to be necessary. The variety of such cases necessitates careful examination of each on its merits, so that the responsibility must be left to the national authorities, and it does not seem possible to include any very detailed provisions on the subject in an international regulation. In coming to its decisions, the competent authority will, of course, have in mind the essential purpose of the Draft Convention, which is to secure greater opportunities of employment.

Exceptions for Emergencies

Article 8

The limits of hours prescribed in the preceding Articles may be exceeded in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of *force majeure*, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking.

This Article does not call for any special comment, since it makes the usual provision for exceptions to deal with emergencies which figures in Article 3 of the Convention of 1919, and upon the inclusion of which in the present Draft Convention there was complete unanimity among the replies of the Governments.

Overtime for Economic Requirements

Article 9

1. The competent authority may grant an allowance of overtime in order to enable any industry or branch of an industry to meet economic requirements. Such an allowance shall only be granted under regulations made after consultation with any organisations of employers and workers concerned as to the necessity of such overtime and the number of hours to be worked, and no such allowance shall permit of any person being employed for more than sixty hours of overtime in any year.

2. In very exceptional cases in which it is satisfied that an allowance of sixty hours will not be sufficient to meet the special requirements of the industry or branch of an industry in question, the competent authority may by the same procedure grant a higher allowance, so however that the maximum allowance granted under paragraphs 1 and 2 of this Article shall not permit of any person being employed in virtue of the said paragraphs for more than one hundred and twenty hours of overtime in any year.

3. In cases of urgency in which it is satisfied of the impracticability of engaging additional persons, the competent authority may, in respect of specified persons or classes of persons, grant to individual undertakings temporary permits for extraordinary overtime, so however that no permit granted under this paragraph shall allow the employment of any person for more than sixty hours of such extraordinary overtime in any year.

4. Overtime authorised under this Article shall be remunerated at not less than one-and-a-quarter times the normal rate.

The preceding Articles have dealt with the standard practice in regulation of hours and with permitted permanent exceptions. Although these provisions are flexible, it is still necessary to take account of abnormal circumstances which render adherence to the standard practice impracticable at certain periods, and for this purpose nearly all the replies of Governments (page 149) favour the inclusion of provisions in the Draft Convention which would permit the working of overtime to meet economic requirements. There was also general agreement that such overtime should be both regulated and limited.

The most appropriate device for this purpose appears to be to regulate overtime in accordance with a system of quotas or allowances, as suggested by a number of Governments. This system has the advantage that it permits of fixing the first quota at a figure calculated to be sufficient to meet all ordinary requirements and of fixing additional quotas for special cases, instead of making a single allowance which, being designed to meet all cases, would be unduly generous in most and might therefore be abused.

Accordingly paragraph 1 of Article 9 makes provision for the granting by the competent authority of an allowance of overtime to meet economic requirements. The actual amount of overtime that may be worked will be determined by the competent authority but it will be subject to the condition that no worker may be called upon to work more than sixty hours of overtime in a year. This quota of sixty hours would permit, for example, of two hours of overtime on each day of a five-day week for a period of six weeks or of one hour of overtime for a period of twelve weeks. This should, it is thought, be sufficient to meet all ordinary requirements, for if overtime were required to be worked during a longer period the situation would more properly be met by an increase in the staff employed. The granting of the allowance of overtime is subject to two other conditions. The competent authority must issue formal regulations, and before doing so it must consult the organisations of employers and workers in the industry or branch of an industry affected, both as to the necessity for the overtime and as to the amount of overtime to be allowed.

There may, however, be very exceptional cases in which the competent authority is satisfied that the allowance of overtime that may be granted in accordance with paragraph 1 of this Article would be insufficient. Paragraph 2 therefore permits the competent authority, if it is so satisfied, to grant a larger allowance under which an individual worker may work up to a maximum of 120 hours of overtime in a year. The same procedure of consultation of the employers' and workers' organisations, both as to the necessity for and the amount of this larger allowance of overtime, is stipulated in this paragraph as in the preceding paragraph, with a view to ensuring that the power to grant an allowance will be exercised only in rare cases in which it is strictly necessary.

These two paragraphs are designed to meet special circumstances which may affect an industry or branch of an industry as a whole. A number of Governments, however, called attention to the fact that difficulties may arise in the case of individual undertakings. For example, there may be a shortage of a certain kind of labour necessary for the working of the undertaking, or it may not be practicable, because of a shortage of labour, for an undertaking to effect in one stage the simultaneous reduction of the hours of work of the whole of its staff to an average of forty hours per week, so that some resort to overtime for certain categories of the staff may be necessary during the period of transition. This situation is met by the provisions of paragraph 3, which allows the competent authority to grant to individual undertakings, apart from and in exceptional cases in addition to any allowance made in respect of the industry or branch thereof as a whole under the previous paragraphs, a temporary permit to work extraordinary overtime. Three conditions are attached. The competent authority must be satisfied that the engagement of additional staff is impracticable. The permit must apply not generally to the undertaking as a whole but to the specified persons or classes of persons who are

required by the circumstances of the case to work overtime. The allowance of overtime granted must not permit of the employment of any person on extraordinary overtime for more than sixty hours in any year.

Finally, following the precedent of Article 6 of the Convention of 1919, and in order to give an additional check against unnecessary resort to overtime, paragraph 4 of this Article makes the provision for extra pay for overtime which the great majority of the replies of the Governments favour and fixes the rate of extra pay at 25 per cent. above the normal.

General Survey of the Possible Arrangements of Hours

At this stage it would seem convenient to interrupt the consideration of the proposed Draft Convention Article by Article in order to present a general picture of the various ways in which the suggested provisions permit of adjusting hours of work to meet the requirements of particular industries or undertakings while securing a general reduction of hours.

Industries in which production goes on at an irregular rate at different times of the year but which are in a position to foresee these variations to some extent would probably be able to meet their requirements without exceeding the average of forty hours a week by obtaining from the competent authority approval of an arrangement of hours under which the average is calculated over a period exceeding four weeks (Article 3, paragraph 4). Such an arrangement might provide, for instance, for working forty-four or forty-eight hours a week during certain specified months of the year and only thirty-two or thirty-six hours a week during the remaining months, so that the average for the year would not exceed forty hours a week. Normally, however, an arrangement approved in virtue of this provision would not permit of the hours of work in any one week exceeding forty-eight (Article 6, paragraph 1).

When the circumstances are such that the competent authority recognises the limit of forty-eight hours a week to be inapplicable, it may permit an arrangement of hours involving a higher weekly limit (Article 6, paragraph 3). If the period during which more than forty-eight hours a week are worked must be so long that the average of forty hours cannot be attained in a period of four weeks the competent authority may approve an arrangement of hours combining both the calculation of the average over more than four weeks (Article 3, paragraph 4) and a higher limit than forty-eight hours (Article 6, paragraph 3). By means of these combined exceptions to the normal arrangement of hours it would be possible for an undertaking to cope with a considerable rush of work during a short period whilst maintaining the average forty-hour week calculated over a longer period. A situation necessitating resort to these provisions might arise, for example, in the case of work of a highly seasonal character or of a foreseen rush of work such as

occurs at certain holiday periods. With a view to preventing any abuse and to facilitating supervision, it is required in all these cases that the competent authority should not merely permit the average working week to be calculated over a period more than four weeks, but should also approve the actual arrangement of hours.

In some cases difficulties might be occasioned not by the limitation of the working week, but by the limitation of the working day to a maximum of eight hours in accordance with Article 6, paragraph 1. In such a case the undertaking may apply to the competent authority to sanction a higher limit not exceeding nine hours a day, in accordance with Article 6, paragraph 2. Indeed, if the increased daily maximum has been the subject of agreement between the organisations or representatives of the employers and workers concerned, application to the competent authority for sanction is not necessary. Alteration of the daily maximum under this provision would not permit of any person being employed for more than forty hours a week on an average nor for more than forty-eight hours in any one week.

In addition to cases in which an arrangement involving a nine-hour day is usual, there may be exceptional cases in which the eight-hour day would be impracticable and a general extension to nine hours in accordance with the previous paragraph might prove insufficient; for example, cases in which a single operation requires the presence of the same workers for longer than eight hours. The undertaking might not find it necessary to have recourse to overtime as the necessity for the longer day might occur only occasionally and shorter hours might be worked during the other days. In such a case the competent authority, if it recognised the eight-hour day to be inapplicable, could approve an arrangement of hours to meet the requirements on such occasions which would involve a higher daily limit than eight hours and, if necessary, a higher weekly limit than forty-eight hours (Article 6, paragraph 3).

If the rush of work could not be foreseen so that it would not be practicable either to take on additional staff or to obtain the approval of a special arrangement of hours conforming to the forty-hour average per week, recourse might be had to overtime. This would also be possible for undertakings which are subject to heavy pressure of work at certain periods (for example, seasonal travel or Christmas trade) but which are not in a position to give compensation for these periods by working shorter hours during other weeks, since their rate of production is fairly regular during the rest of the year.

Further, should an unforeseen rush of work render necessary an extension of hours beyond the limits fixed by an arrangement of hours approved by the competent authority in accordance with Article 3, paragraph 4, or Article 6, paragraph 3, the additional hours necessary could be worked as overtime under the conditions imposed by Article 9.

It is clear from the provisions of Article 9 that resort to overtime is intended to be temporary, and this is in accordance with the

resolution adopted by the Seventeenth Session of the Conference, which recognised that the practice of working systematic overtime was liable to increase the volume of unemployment.

It may perhaps also be well to call attention to the various ways in which the provisions of the Draft Convention provide a safeguard against possible abuse by requiring consultation with the employers' and workers' organisations or, where no such organisations exist, the representatives of the employers and workers concerned.

This consultation must take place before the competent authority approves any arrangement of hours different from that provided for in Article 3, paragraphs 2 and 3, or which entails exceeding the eight-hour daily limit or the forty-eight-hour weekly limit fixed by Article 6, paragraph 1. Though the raising of the daily limit to nine hours subject to the forty-eight-hour weekly limit being observed (Article 6, paragraph 2) may be effected by the sanction of the competent authority, it would more usually be effected by agreement between employers' and workers' organisations or, in default of such organisations, between representatives of the two parties. In the case of overtime to meet economic requirements, before granting an allowance the competent authority is required to consult the organisations of employers and workers concerned. If the industry is not organised, however, there would be practical difficulties in deciding who were the representatives of employers and workers to be consulted, since the allowance is given in respect of an industry or branch of an industry as a whole; the requirement of consultation is therefore not insisted upon in such a case. The competent authority may also permit extraordinary overtime in accordance with Article 9, paragraph 3, without being bound to consult the organisations or representatives of the employers and workers concerned. Consultation is not specifically provided for in such cases for the reason that the decision must be taken rapidly and there is the prior condition that the competent authority must be satisfied that the engagement of additional staff is impracticable. Where circumstances permit the competent authority would naturally consult the organisations concerned.

Enforcement of the Regulations

Article 10

In order to facilitate the effective enforcement of the provisions of this Convention:

1. Every employer shall be required to notify, by the posting of notices in a conspicuous manner in the works or other suitable place or by such other method as may be approved by the competent authority:

(*a*) the hours at which work begins and ends;

(*b*) where work is carried on by shifts, the hours at which each shift begins and ends;

(*c*) where a rotation system is applied, a description of the system, including a time-table for each person or group of persons;

(*d*) the arrangements made in cases where the average duration of the working week is calculated over a number of weeks; and

(*e*) rest periods in so far as these are not reckoned as part of the working hours.

2. Every employer shall be required to keep a record in the form prescribed by the competent authority of all additional hours worked in pursuance of Articles 7, 8 and 9, and of the payments made in respect thereof.

There is little need to dwell on the provisions of this Article. Virtually all the replies to the Questionnaire (page 153) were in favour of specifying in the Draft Convention certain measures calculated to facilitate the enforcement of its provisions by national authorities and Article 10 corresponds to the provisions for this purpose included in the earlier Draft Conventions on Hours of Work, with certain amplifications due to the more elaborate character of the present proposals.

Paragraph 1 of this Article provides that every employer shall be required to notify, by posting up notices or in some other approved method, certain necessary particulars of the system of hours of work in operation in accordance with the Convention. These particulars include the hours at which work begins and ends and, in the case of shift work, the hours at which each shift begins and ends and also the rest periods not reckoned as part of the working hours. If the staff works on a rotation system, a description of the system with a time-table for each person, or group of persons, must be included in the notice. If the arrangement of hours of work adopted in the establishment involves the averaging of hours over a number of weeks, particulars of the arrangement must also be given.

Paragraph 2 provides that employers shall also be required to keep a record in prescribed form of all additional hours worked and of the payments made in respect thereof, whether the additional hours are occasioned by preparatory, complementary or intermittent work in accordance with Article 7, by occasional overtime in accordance with Article 8 or by overtime for economic requirements in accordance with Article 9.

International Supervision

Article 11

Each party to this Convention agrees to make an annual report on the measures which it has taken to give effect to the provisions thereof. This report shall contain full information on the application of the Convention and more particularly concerning:

(*a*) arrangements of hours of work approved in accordance with Article 3, paragraph 4, or in accordance with Article 6, paragraph 3;

(*b*) processes classed as necessarily continuous in character for the purposes of Article 4;

(c) regulations made in accordance with Articles 5 and 7; and

(d) authorisations to work overtime granted in accordance with Article 9.

Although the form of the annual reports to be furnished by States Members is determined by the Governing Body of the International Labour Office, there was general agreement in the replies to the Questionnaire (page 154) that, as in certain other Draft Conventions, it would be desirable to mention in the Draft Convention itself certain special points upon which information should be given in the reports. The laws and regulations applying the Convention would, of course, form part of the information furnished, but it is desirable also that the reports should include particulars of the decisions taken by the competent authority on the various matters in regard to which the Convention gives it discretionary powers. Article 11 therefore specifies four matters upon which information is to be given. These are: (1) the arrangement of hours approved by the competent authority which depart from a standard practice of averaging over a period not exceeding four weeks and correlating the hours of operation of the undertaking with hours of work (paragraph 4 of Article 3), or permit of higher limits of hours than eight per day and forty-eight per week (paragraph 3 of Article 6); (2) the processes which are classed as necessarily continuous in character and for which, therefore, an average working week of forty-two hours is permissible (Article 4); (3) the regulations made in respect of the transport industry (Article 5) and in respect of preparatory, complementary and intermittent work (Article 7); and, (4) the authorisations to work overtime to meet economic requirements (Article 9). Information on these matters would appear to be essential if international supervision of the application of the Convention is to be effective.

II. — Proposed Draft Convention for Commerce and Offices

Scope

Article 1

1. This Convention applies to persons employed in the following establishments, whether public or private:

(a) commercial or trading establishments including postal, telegraph and telephone services, and commercial or trading branches of any other establishments;

(b) establishments and administrative services in which the persons employed are mainly engaged in office work;

(c) mixed commercial and industrial establishments unless they are deemed to be industrial establishments.

The competent authority in each country shall define the line of division which separates the above establishments from industrial and agricultural establishments.

2. This Convention does not apply to persons employed in the following establishments:

(*a*) establishments for the treatment and care of the sick, infirm, destitute, or mentally unfit;

(*b*) hotels, restaurants, boarding houses, clubs, cafés and other refreshment houses;

(*c*) theatres and places of public amusement;

but does apply to persons employed in branches of such establishments which would, if they were independent establishments, be included among the establishments to which this Convention applies.

3. The competent authority in each country may exempt from the application of this Convention:

(*a*) persons employed in establishments in which not more than six persons are employed;

(*b*) persons employed in establishments in which only members of the employer's family are employed;

(*c*) persons employed in offices in which the staff is engaged in connection with the administration of public authority;

(*d*) persons occupying positions of management or employed in a confidential capacity;

(*e*) travellers and representatives, in so far as they carry on their work outside the establishment.

As the majority of the replies (see page 131) were in favour of applying the new Draft Convention to the establishments covered by the Draft Convention of 1930, Article 1 of the proposed text follows closely Article 1 of the earlier Convention. The only difference, apart from minor drafting changes, is the addition of clause (*a*) in paragraph 3, permitting the exclusion of establishments in which not more than six persons are employed. This change has been effected for the same reasons as in the case of the Industry draft (see page 169).

Definition of Hours of Work

Article 2

For the purposes of this Convention the term "hours of work" means the time during which the persons employed are at the disposal of the employer and does not include rest periods during which they are not at his disposal.

This Article is identical with Article 2 of the 1930 Convention, and with Article 2 of the Industry draft (see page 172).

Standard Duration and Arrangement of Hours of Work

Article 3

1. No person to whom this Convention applies shall work for a number of hours exceeding an average of forty per week.

2. This average shall be calculated over a period not exceeding four weeks.

3. The hours worked in any one week shall be distributed within the week by an arrangement according to which the number of hours per day, excluding time permitted under Articles 5, 6 and 7, during which an establishment, or any department, workshop, or similar subdivision thereof, operates

(*a*) coincides with the number of individual hours of work of the persons employed therein, or

(*b*) where work is performed in successive shifts, is a simple multiple thereof.

4. The provisions of paragraphs 2 and 3 of this Article shall not apply in any case in which the competent authority has, after consultation with the employers' and workers' organisations concerned, or, where no such organisations exist, with representatives of the employers and workers concerned, approved a different arrangement of hours of work.

This provision is identical with Article 3 of the Industry draft (see page 172), and establishes the standard practice of a maximum working week of forty hours on an average calculated over a period not exceeding four weeks, with the provisions already described as to the arrangement of hours.

Weekly and Daily Limits of Hours

Article 4

1. No arrangement of hours of work made under Article 3 shall allow of any person being employed for more than eight hours in any one day or forty-eight hours in any one week:

2. Provided that, subject to the forty-eight-hour weekly limit, the competent authority may increase the daily limit to a maximum of ten hours.

3. Provided also that in exceptional cases in which the competent authority recognises the limits of eight and forty-eight hours to be inapplicable it may, after consultation with the employers' and workers' organisations concerned, or, where no such organisations exist, the representatives of the employers and workers concerned, approve arrangements of hours involving an increase in the daily limit to a maximum of ten hours and a weekly limit higher than forty-eight hours.

There is a difference between this Article and the corresponding Article 6 of the Industry draft, which is necessary in order to take account of the difference between the Convention of 1919 and the Convention of 1930. The latter Convention establishes a standard daily limit of eight hours in Article 3, but also permits in Article 4 any arrangement of the weekly hours subject to a daily limit of ten hours. This ten-hour limit is an absolute limit, not to be exceeded even in cases in which the weekly limit of forty-eight hours may be secured by averaging over a number of weeks. In view of the considerable majority of the replies in favour of respecting the daily and weekly limits fixed by the earlier Draft

Convention (page 141), the ten-hour daily limit has been incorporated in paragraphs 2 and 3 of this Article in such a way as to make it an over-riding maximum.

Special Limits for Certain Kinds of Work

Article 5

The competent authority may, by regulations, permit the limits of hours prescribed in the preceding Article to be exceeded in the case of:

(*a*) persons whose work is inherently intermittent, such as caretakers and persons employed to look after working premises and warehouses;

(*b*) persons employed on preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the establishment; and

(*c*) persons employed in shops and other establishments where the nature of the work or the size of the population renders inapplicable the working hours prescribed by Articles 3 and 4.

2. The regulations referred to in paragraph 1 shall determine the maximum number of hours which may be worked in virtue of this Article.

The extension of hours beyond the limits laid down in the preceding Article which is here permitted is in accordance with Article 7 (1) and (3) of the Convention of 1930. The corresponding provision in the Industry draft appears in Article 7 (see page 177). In respect of preparatory and complementary work (clause *b*), the provision in the two texts is identical, but in the case of intermittent work (clause *a*), there appears to be no necessity to depart from the formula adopted in 1930. The provision in respect of persons employed in shops (clause (*c*)), which, of course, does not appear in the Industry draft, is taken from Article 7 (1) (*c*) of the Convention of 1930, the reference therein to the number of persons employed in the establishment having been deleted, since the question of small undertakings has already been dealt with in Article 1.

Exceptions for Emergencies

Article 6

The limits of hours prescribed in the preceding Articles may be exceeded in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of *force majeure*, but only so far as may be necessary to avoid serious interference with the ordinary working of the establishment.

This is the usual provision for emergencies which appears in Article 8 of the Industry draft (page 178) and in Article 7 (2 *a*) of the Convention of 1930.

Overtime

Article 7

1. The competent authority may, by regulations issued from time to time, grant an allowance of overtime to establishments for which it recognises this to be necessary, more particularly for the purpose of:

(*a*) preventing the loss of perishable goods or avoiding endangering the technical results of the work;

(*b*) allowing for special work such as that involved by stocktaking, the preparation of balance sheets, settlement days, liquidations, and the balancing and closing of accounts, or

(*c*) enabling establishments to deal with cases of abnormal pressure of work due to special circumstances, in so far as the employer cannot ordinarily be expected to resort to other measures,

so, however, that the maximum allowance so granted shall not permit of any person being employed in virtue of this paragraph for more than sixty hours of overtime in any year.

2. In cases in which it is satisfied that an allowance of sixty hours will not be sufficient to meet the special requirements of any category of establishment, the competent authority may grant a higher allowance, so, however, that the maximum allowance granted under this Article shall not permit of any person being employed in virtue of this Article for more than 120 hours of overtime in any year.

3. Overtime authorised under this Article shall be remunerated at not less than one-and-a-quarter times the normal rate.

The Convention of 1930 allows the competent authority to permit overtime for certain purposes which are set out in clauses (*b*), (*c*) and (*d*) of paragraph 2 of Article 7 of that Convention. A similar power is given by this Article, clauses (*a*), (*b*) and (*c*) of which correspond to the clauses just mentioned, but it is in two important respects more restricted and in another respect slightly wider. The competent authority may by regulations issued from time to time grant an allowance of overtime to establishments for which it recognises this to be necessary. The procedure therefore requires that instead of establishing a normal system of exceptions as is possible under the Convention of 1930, the competent authority has to take into account the varying necessities of different classes of establishments at different times. Moreover, the quota system adopted in Article 9 of the Industry draft (page 179) is also adopted here, and the restriction is imposed that the allowance of overtime granted as the first quota must not entail the employment of any person on overtime for more than sixty hours in a year, while in exceptional cases a second quota may be granted under which the individual limit may reach a total of 120 hours in a year. On the other hand slightly more flexibility is given by making the three special cases specified in clauses (*a*), (*b*) and (*c*) illustrations of the kind of case in which overtime may be necessary, instead of an exhaustive list of such cases.

Paragraph 3 of this Article provides for payment of overtime at a rate 25 per cent. above the normal. This provision corresponds to paragraph 4 of Article 9 of the Industry draft (page 181) and to paragraph 4 of Article 7 of the Convention of 1930.

Consultation as to Special Limits and Overtime

Article 8

The competent authority shall, before making regulations under Articles 5 and 7 consult the organisations of employers and workers concerned and have special regard to any collective agreements which may exist between the said organisations.

This Article is substantially the same as Article 8 of the Convention of 1930 and corresponds to the provisions as to consultation with employers' and workers' organisations which appear in Articles 3, 6 and 9 of the Industry draft (page 183).

The combined effect of Articles 5, 7 and 8 is to permit elasticity in the arrangement of hours and resort to overtime so far as may be strictly necessary in the circumstances of particular cases, while imposing the limits and safeguards required to prevent the occurrence of abuses likely to defeat the purpose of the Convention.

Enforcement and Supervision

Article 9

In order to facilitate the effective enforcement of the provisions of this Convention:

1. Every employer shall be required to notify, by the posting of notices in a conspicuous manner in the establishment or other suitable place, or by such other methods as may be approved by the competent authority:

(*a*) the hours at which work begins and ends;
(*b*) where work is carried on by shifts, the hours at which each shift begins and ends;
(*c*) where a rotation system is applied, a description of the system including a time-table for each person or group of persons;
(*d*) the arrangements made in cases where the average duration of the working week is calculated over a number of weeks; and
(*e*) rest periods in so far as these are not reckoned as part of the working hours.

2. Every employer shall be required to keep a record in the form prescribed by the competent authority, of all additional hours worked in pursuance of Articles 5, 6 and 7 of this Convention and of the payments made in respect thereof.

Article 10

Each party to this Convention agrees to make an annual report on the measures which it has taken to give effect to the provisions thereof. This

report shall contain full information on the application of the Convention and more particularly concerning:

(*a*) arrangements of hours of work approved in accordance with Article 3, paragraph 4, and Article 4, paragraph 3;

(*b*) regulations issued in accordance with Article 5;

(*c*) authorisations to work overtime granted in accordance with Article 7.

The stipulations contained in these two Article are the equivalent of those in Articles 10 and 11 of the Industry draft (pages 183 to 185).

III. — Matters Common to Both Proposed Draft Conventions

Relation of the Proposed Draft Conventions to Existing Conventions

Article 12 (Industry)

The present Convention is independent of the Hours of Work (Industry) Convention, 1919, and does not involve its revision in whole or in part.

Article 11 (Commerce and Offices)

The present Convention is independent of the Hours of Work (Commerce and Offices) Convention, 1930, and does not involve its revision in whole or in part.

Although the proposals submitted by the Office for the consideration of the Conference do not include the standard Articles, there is one question connected therewith upon which the Office has thought it desirable to prepare for the consideration of the Conference a definite text, even though no special reference to the matter was made in the Questionnaire. This is the question of whether the adoption of new Draft Conventions providing for a further reduction of hours of work would have any effect upon the legal status of earlier Conventions upon Hours.

It will be remembered that there are cases in which the legal effect of the *revision* of a Convention is to render impossible from the date of the coming into force of the revising Convention any further ratification of the Convention which has been revised, and in which ratification of a revising Convention by any Member involves its denunciation *ipso jure* of the earlier Convention. This is the position in the case of all Conventions containing the standard Article defining the legal consequences of revision in the form in which it was customary to insert it in Conventions adopted from 1929 to 1932, and included among these is the Hours of Work (Commerce and Offices) Convention of 1930. The item on the agenda of the Eighteenth Session of the Conference is not, however, the revision of the existing Conventions on hours of work, but the adoption of new Draft Conventions upon the same subjects

for a new purpose—that of securing a wider distribution of available opportunities of employment in place of defining a minimum standard of social protection for humanitarian reasons. Moreover, the revision of Conventions takes place under special rules laid down at some length in the Standing Orders of both the Governing Body (Article 7*a*) and the Conference (Article 6*a*). It is not in virtue of these rules but in virtue of the ordinary rules as to the placing of items on the agenda, that the Eighteenth Session will have before it the question of the reduction of hours of work. Clearly, therefore, no question of revision of the earlier Conventions is involved. It seems desirable, however, in order to avoid any possibility of future confusion to state this fact expressly in the text, and an Article for this purpose is accordingly included in the Drafts submitted.

The "Standard Articles"

It is customary to omit from the texts that the Office submits in its report to the Conference the standard Articles dealing with such matters as the ratification, coming into force, denunciation and revision of the Convention. These follow a common form in all Draft Conventions and are added to the text by the Drafting Committee of the Conference before the final vote is taken. No specific proposals for these Articles have been included in the draft texts now submitted, partly because this is the usual practice but partly also because they would have to deal with matters upon which the discussions at the Conference may furnish a necessary supplement to the information given in the replies to the Questionnaire. In the meantime, however, certain considerations suggested by the replies of the Governments may perhaps usefully be mentioned.

Coming into Force of the Draft Conventions

As was seen in Chapter II (page 157), a certain number of Governments suggested in their replies to the Questionnaire the inclusion in the Draft Conventions themselves of special conditions which would have to be fulfilled before they came into force and some Governments even proposed to name a list of States Members, ratification by all of which would be necessary to bring the Convention into force. There is an undoubted and readily comprehensible desire for concerted action in regard to ratification, but experience suggests that the inclusion in the Draft Conventions of any specified provisions on the lines of the suggestions made by certain Governments would not be of any real value and might give rise to difficulties that it would be well to avoid. If any two States are prepared to ratify a Draft Convention irrespective of the action taken by other States, there does not appear to be any good reason

why they should be debarred from taking upon themselves the international obligations which the Convention imposes. Yet this might be the effect of including in the Draft Convention a stipulation that it should not come into force until it had been ratified by a larger number of States or by certain named States. If, on the other hand, any State desires to make its decision as to ratification conditional upon the decision of some other State or States, there is nothing to prevent it, even in the absence of any special provision in the Draft Convention, from giving full effect to its wishes. It may delay action until it has assured itself of the attitude of the other States, or if it considers such a precaution indispensable it may make its ratification conditional upon ratification by certain other States. It may also at any time waive the conditions attached to its ratification if it should no longer regard them as indispensable. Furthermore, the absence of special provisions on the subject from the Draft Convention will not prevent the organisation of concerted action in regard to simultaneous ratification which could be undertaken on the initiative of any Government or group of Governments, or, as would probably be considered more desirable, of the Governing Body of the International Labour Office. On the other hand, any special provisions included in the Draft Convention itself would be fixed and unalterable, and, since it would be impossible to foresee the course which negotiations to secure concerted ratification might take, the rigidity of conditions thus imposed in advance might prove very inconvenient. For these reasons the Office ventures to express the opinion that it would be well not to impose any restrictions on the future freedom of action of Governments in this respect and that, secondly, no special provision in regard to the coming into force of the Draft Conventions should be incorporated in their texts.

Period of Validity and Denunciation

It was suggested in Chapter II (page 160), on the basis of the replies of Governments to the Questionnaire, that there was not sufficient reason for departing from the normal practice by fixing a special limit to the period of validity of these Conventions. It was also suggested that the period after the expiration of which a State might denounce the Convention should be fixed at five years, though on this point the Office makes no definite proposal. If no special condition, such as a collective decision by a number of States, is attached to the coming into force of the Draft Conventions, it would hardly be logical to attach a special condition to their denunciation. If, however, it were to be decided that the coming into force of the Draft Conventions should be conditional upon ratification by a number of States collectively, the question might arise as to whether individual denunciation should be permitted and, if so, what should be the effect of denunciation by one State upon the obligations of the other States. The Office

itself does not consider that any departure from the customary practice is required in the case of these Draft Conventions, but the matter is one upon which no decision can be reached until the question of the coming into force of the Draft Convention has been decided.

The Association of Non-Member States in the Application of the Draft Conventions

The replies of the Governments revealed complete unanimity (page 155) both as to making the Draft Conventions applicable to all the States Members of the Organisation and also as to the desirability of some procedure for associating States which are not Members of the Organisation in the application of the Draft Conventions. On the first point, nothing more need be said since the customary practice of the Organisation will be followed and no special provision in the Draft Conventions is necessary. The second point, on the contrary, is quite new and calls for some consideration.

Generally speaking, the constitution of an association of States does not in itself create any obstacle to the adherence of other States to international Conventions concluded between the members of the association. It would be possible to cite many examples of this situation, but it is sufficient to mention the case of the League of Nations, which on many different occasions has been responsible for the conclusion of international Conventions to which States that are not Members of the League have adhered.

It is obvious that the International Labour Organisation enjoys in principle the same liberty as the League of Nations to include States which are not Members within any system of contractual relations which it establishes. This liberty, however, must be exercised in such a manner as to conform to the constitution of the International Labour Organisation, and it is precisely this point which has now to be considered.

The charter which forms the constitution of the International Labour Organisation imposes on the States Members certain rules, some of which are directly connected with the application of International Labour Conventions. Their ratification of such Conventions entails consequences to which they are subject in their capacity as Members. The principal consequence consists in the possible application of the procedure of sanctions intended to guarantee the strict application of the provisions of the Conventions.

It would, therefore, not be sufficient simply to make an International Labour Convention open to the adherence of States that are not Members. It is necessary also to define the legal consequences of such adherence.

Two questions require to be answered in this connection: What non-Member States should be invited to adhere to the Conventions ? Under what conditions should their adherence be effected ?

As to the first point it appears to be unnecessary and indeed undesirable to make any distinction whatsoever between States. The replies of the Governments on this point (page 155) do not suggest any discrimination between States, and the Draft Conventions now under consideration should therefore be so framed as to be open to adherence by all States which are not Members of the Organisation.

The second question would permit of being answered in very different ways and all sorts of conditions to the adherence of non-Member States are conceivable. The replies to the Questionnaire made no definite suggestions on this point. In the view of the Office it is highly desirable to open the door as widely as possible to the adherence of non-Member States to these Conventions, and for this reason the Office proposes that no special condition should be attached to such adherence. It is, therefore, suggested that the Drafting Committee of the Conference should be instructed to include in the final texts of the Draft Conventions a special Article authorising ratification by non-Member States and stating that such ratification would entail no obligations other than those which are imposed by the terms of the Draft Convention itself.

The following formula is suggested for this purpose:

> This Convention is open to ratification by States that are not Members of the International Labour Organisation. Ratification by a State in accordance with this Article will not entail the undertaking of any obligations other than those imposed by the terms of this Convention.

The principal effect of the adoption of a formula of this kind would be to exclude non-Member States which ratified the Draft Conventions from the operation of the procedure of sanctions set out by Article 409 and the following Articles of the Treaties of Peace. The obligation to furnish certain information as to the application of the Convention would apply to them, but it would apply not in virtue of the Treaty but in virtue of the incorporation of this obligation in the text of the Draft Convention itself.

The method which the Office suggests should be adopted is very simple and would appear to be calculated to secure the agreement of the Conference and of the States concerned. It would in fact enable States which are not Members of the Organisation to associate themselves effectively with certain kinds of international regulations without requiring them to undertake wider obligations which they may prefer not to take upon themselves.

IV. — Draft Recommendation concerning the Maintenance of the Standard of Living

As was shown in Chapter II (page 126), the replies to the Questionnaire revealed a general recognition of the importance of the question of maintaining the standard of living of the workers. There was also general agreement that it would not be practicable

to include detailed regulations on this subject in international Draft Conventions dealing with the reduction of hours, but that the matter might be dealt with in a general way in a Recommendation.

The Office has accordingly prepared a draft of a Recommendation on this subject for the consideration of the Conference. The proposed text, which is inspired by suggestions made by a number of Governments in reply to Questions 3, 4, 6 and 7, and also by the views expressed by certain Governments on the points raised in the preamble to the Questionnaire, opens with a declaration of the general principle that a reduction in the purchasing power of wage earners and salaried employees would mean a reduction in the demand for goods by consumers, and hence would lead to an increase in unemployment. It also declares that the present standard of living which, as is pointed out by certain Governments, has already been brought to a very low level in many countries as the result of the economic depression, does not permit of any further reduction. For these two reasons Governments are recommended to take every measure that may be necessary to prevent a reduction of hours of work in accordance with the Draft Conventions becoming the occasion for a lowering of the standard of living.

The precise measures to be taken in order to achieve this purpose must be left to the discretion of the national authorities, who will take account of the exact situation in their respective countries. The proposed Recommendation, however, makes two suggestions for the guidance of Governments. First, it is suggested that measures should be taken to ensure that adaptations of wages and salaries to meet the situation created by the reduction of hours of work should be effected as far as possible by way of direct negotiations between the employers' and workers' organisations concerned. Secondly, the Recommendation suggests that if such negotiations fail to result in agreement between the two parties, it should be possible for the dispute to be brought by either of the parties before some body competent to assist in the settlement of the dispute, and that if no such special bodies exist they should be created.

It will be observed that while these proposals make it incumbent upon Governments to take measures to avoid so far as possible the dislocation which might otherwise result from the reduction of hours of work, they leave to the Governments the fullest freedom of action as to the precise methods to be adopted. The liberty of action of the employers' and workers' organisations is likewise respected. In view of the diversity in the conditions of various countries, the varying degrees of development of organisation amongst both employers and employed and the differences in the character and functions of the bodies dealing with the settlement of wage disputes where such bodies have already been created, it does not seem possible in an international Recommendation to enter into any greater detail.

V. — Draft Resolution on Technological Unemployment

The replies to the Questionnaire revealed a very wide measure of agreement (page 162) on the proposal that the Conference should invite Governments to furnish information for the purpose of an enquiry into the subject of technological unemployment. Certain Governments also made suggestions as to matters which might be included within the scope of this enquiry, but in view of the absence of detailed suggestions from most Governments, and of the fact that the planning of the enquiry so that it would secure necessary information without imposing too great a burden upon Governments will call for careful and detailed consideration, it seems desirable that the responsibility for determining the main lines of the enquiry should be entrusted to the Governing Body.

The Office accordingly submits for the consideration of the Conference a Draft Resolution which provides for proceeding by two stages. In the first place the Office will submit to the Governing Body proposals for a Questionnaire for the purpose of securing periodic information as to the effect of technological progress upon the volume of employment in the various industries and occupations. When these proposals have been approved by the Governing Body the Office will invite Governments to furnish periodically, and as fully as circumstances permit, information on the lines indicated.

PROPOSED DRAFT CONVENTION CONCERNING THE FORTY-HOUR WEEK IN INDUSTRY

ARTICLE 1

1. This Convention applies to persons employed in industrial undertakings, whether public or private, including in particular:

(*a*) undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed—including undertakings engaged in shipbuilding or in the generation, transformation or transmission of electricity or motive power of any kind;

(*b*) undertakings engaged in the contruction, reconstruction, maintenance, repair, alteration or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical installation, waterworks, gasworks or other work of construction, and undertakings engaged in the preparation for or in laying the foundation of any such work or structure;

(*c*) undertakings engaged in the transport of passengers or goods by road or rail, including the handling of goods at docks, quays, wharves, warehouses or airports;

(*d*) mines, quarries and other works for the extraction of minerals from the earth, excluding mines from which only hard coal or lignite or principally hard coal or lignite together with other minerals are extracted.

2. The reduction of the hours of work of persons employed in mines to which this Convention is not applicable shall be provided for by a future Convention.

3. The competent authority in each country may exempt from the application of this Convention:

(*a*) persons employed in undertakings in which not more than six persons are employed;

(*b*) persons employed in undertakings in which only members of the employer's family are employed;

(*c*) persons occupying a position of supervision or management who do not ordinarily perform manual work;

(*d*) persons employed in a confidential capacity.

AVANT-PROJET DE CONVENTION CONCERNANT LA SEMAINE DE 40 HEURES DANS L'INDUSTRIE

ARTICLE PREMIER

1. La présente convention s'applique aux personnes employées dans les établissements industriels, publics ou privés, comprenant notamment:

a) les établissements dans lesquels des produits sont manufacturés, modifiés, nettoyés, réparés, décorés, achevés, préparés pour la vente, détruits ou démolis ou dans lesquels les matières subissent une transformation, y compris les entreprises de construction des navires ainsi que les entreprises de production, de transformation et de transmission de l'électricité ou de la force motrice en général;

b) les entreprises de construction, reconstruction, entretien, réparation, modification ou démolition de tous bâtiments et édifices, chemins de fer, tramways, ports, docks, jetées, canaux, installations pour la navigation intérieure, routes, tunnels, ponts, viaducs, égouts collecteurs, égouts ordinaires, puits, installations télégraphiques ou téléphoniques, installations électriques, de distribution d'eau, usines à gaz ou entreprises d'autres travaux de construction, ainsi que de travaux de préparation ou de fondation précédant les travaux ci-dessus;

c) les entreprises de transport de personnes ou de marchandises par route ou voie ferrée, y compris la manutention des marchandises dans les docks, quais, wharfs, entrepôts ou aéroports;

d) les mines, carrières et industries extractives de toute nature, à l'exclusion de toute mine d'où il est extrait soit seulement de la houille ou du lignite, soit principalement de la houille ou du lignite en même temps que d'autres minéraux.

2. La réduction des heures de travail du personnel employé dans les mines auxquelles la présente convention n'est pas applicable sera déterminée par une convention ultérieure.

3. Dans chaque pays, l'autorité compétente peut exempter de l'application de la présente convention:

a) les personnes employées dans les établissements n'employant pas plus de six personnes;

b) les personnes employées dans les établissements où sont seuls employés les membres de la famille de l'employeur;

c) les personnes occupant un poste de surveillance ou de direction et ne participant normalement à aucun travail manuel;

d) les personnes occupant un poste de confiance.

4. The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

ARTICLE 2

For the purpose of this Convention the term " hours of work " means the time during which the persons employed are at the disposal of the employer and does not include rest periods during which they are not at his disposal.

ARTICLE 3

1. No person to whom this Convention applies shall work for a number of hours exceeding an average of forty per week.

2. This average shall be calculated over a period not exceeding four weeks.

3. The hours worked in any one week shall be distributed within the week by an arrangement according to which the number of hours per day, excluding time permitted under Articles 7, 8 and 9, during which an undertaking, or any department, workshop or similar subdivision thereof, operates

(*a*) coincides with the number of individual hours of work of the persons employed therein, or

(*b*) where work is performed in successive shifts, is a simple multiple thereof.

4. The provisions of paragraphs 2 and 3 of this Article shall not apply in any case in which the competent authority has, after consultation with the employers' and workers' organisations concerned, or, where no such organisations exist, with representatives of the employers and workers concerned, approved a different arrangement of hours of work.

ARTICLE 4

The weekly hours of work of persons employed in processes required by reason of the nature of the process to be carried on continuously by a succession of shifts may average forty-two, this average to be calculated and distributed in accordance with the provisions of the preceding Article.

ARTICLE 5

The competent authority may, by regulations made after consultation with the employers' and workers' organisations concerned, or, where no such organisations exist, with representatives of the employers and workers concerned, allow exceptions to the provisions of Articles 3 and 4 for persons employed in transport undertakings:

Provided that no such regulation shall permit of any person being employed for an average of more than forty-eight hours per week.

4. Dans chaque pays, l'autorité compétente déterminera la ligne de démarcation entre l'industrie, d'une part, et le commerce et l'agriculture, d'autre part.

ARTICLE 2

Aux fins de la présente convention, l'expression « durée du travail » signifie le temps pendant lequel le personnel est à la disposition de l'employeur, et ne comprend pas les repos pendant lesquels il n'est pas à sa disposition.

ARTICLE 3

1. La durée moyenne du travail de toute personne à qui s'applique la présente convention ne doit pas dépasser quarante heures par semaine.

2. Cette durée moyenne sera calculée sur une période ne dépassant pas quatre semaines.

3. Les heures de travail à effectuer chaque semaine doivent être réparties au cours de la semaine de manière que le nombre journalier d'heures pendant lesquelles l'établissement ou tout service, atelier ou autre section de l'établissement fonctionne, non compris les heures autorisées en vertu des articles 7, 8 et 9:

a) coïncide avec le nombre d'heures de travail individuelles des personnes y employées;

b) ou, si le travail est accompli par équipes successives, soit un multiple exact de ce nombre.

4. Les dispositions des paragraphes 2 et 3 du présent article ne s'appliquent pas dans les cas où l'autorité compétente a approuvé une répartition différente des heures de travail après consultation des organisations d'employeurs et de travailleurs intéressés ou, à défaut de telles organisations, après consultation des représentants des employeurs et des travailleurs intéressés.

ARTICLE 4

La durée hebdomadaire moyenne du travail des personnes employées à des travaux dont le fonctionnement continu doit, en raison même de la nature du travail, être assuré par des équipes successives, pourra atteindre quarante-deux heures, cette durée devant être calculée et répartie conformément aux dispositions de l'article précédent.

ARTICLE 5

L'autorité compétente peut, après consultation des organisations d'employeurs et de travailleurs intéressés ou, à défaut de telles organisations, après consultation des représentants des employeurs et des travailleurs intéressés, permettre de déroger aux articles 3 et 4 pour les personnes employées dans les entreprises de transports. Toutefois les règlements ainsi établis n'auront pas pour résultat qu'une personne quelconque soit employée pendant plus de quarante-huit heures en moyenne par semaine.

ARTICLE 6

1. No arrangement of hours of work made under the provisions of Article 3 shall allow of any person working for more than eight hours in any one day or forty-eight hours in any one week.

2. Provided that, subject to the forty-eight hour weekly limit, the daily limit may by the sanction of the competent authority or by agreement between employers' and workers' organisations, or, where no such organisations exist, between employers' and workers' representatives, be increased to nine hours.

3. Provided also that the limits of eight and forty-eight hours may be exceeded in exceptional cases in which the competent authority recognises them to be inapplicable and, after consultation with the employers' and workers' organisations concerned, or where no such organisations exist, the representatives of the employers and workers concerned, approves an arrangement of hours involving higher limits.

ARTICLE 7

1. The competent authority may by regulation provide that the limits of hours prescribed in the preceding Articles may be exceeded in the case of:

(*a*) persons employed on preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the undertaking; and

(*b*) persons employed in occupations which by their nature involve long periods of inaction during which the said workers have to display neither physical activity nor sustained attention or remain at their posts only to reply to possible calls.

2. The regulations referred to in paragraph 1 shall determine the maximum number of hours which may be worked in virtue of this Article.

ARTICLE 8

The limits of hours prescribed in the preceding Articles may be exceeded in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of *force majeure*, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking.

ARTICLE 9

1. The competent authority may grant an allowance of overtime in order to enable any industry or branch of an industry to meet economic requirements. Such an allowance shall only be granted under regulations made after consultation with any organisations of employers and workers concerned as to the necessity of such overtime and the number of hours to be worked, and no such allowance shall permit of any person being employed for more than sixty hours of overtime in any year.

ARTICLE 6

1. Aucune répartition des heures de travail faite en vertu des dispositions de l'article 3 ne peut autoriser une personne à travailler plus de huit heures par jour ni plus de quarante-huit heures par semaine.

2. Toutefois, sous réserve de la limite hebdomadaire de quarante-huit heures, la limite journalière peut être portée à neuf heures par décision de l'autorité compétente ou par accord entre les organisations d'employeurs et de travailleurs ou, à défaut de telles organisations, par accord entre les représentants des employeurs et des travailleurs.

3. En outre, les limites de huit heures par jour et quarante-huit heures par semaine peuvent être dépassées dans des cas exceptionnels où l'autorité compétente reconnaît que ces limites sont inapplicables et approuve, après consultation des organisations d'employeurs et de travailleurs intéressés ou, à défaut de telles organisations, après consultation des représentants des employeurs et des travailleurs intéressés, une répartition comportant des limites hebdomadaires et quotidiennes plus élevées.

ARTICLE 7

1. L'autorité compétente peut, par des règlements, permettre de dépasser la limite des heures de travail fixée aux articles précédents dans le cas:

a) de personnes employées à des travaux préparatoires ou complémentaires qui doivent être nécessairement exécutés en dehors de la limite assignée au travail général de l'établissement;

b) de personnes employées à des occupations qui, par leur nature, comportent de longues périodes d'inaction pendant lesquelles ces personnes n'ont à déployer ni activité matérielle, ni attention soutenue, ou ne restent à leur poste que pour répondre à des appels éventuels.

2. Les règlements prévus au paragraphe 1 détermineront le nombre maximum d'heures de travail qui peuvent être effectuées en vertu du présent article.

ARTICLE 8

Les limites des heures de travail prévues aux articles précédents peuvent être dépassées en cas d'accident survenu ou imminent, ou en cas de travaux d'urgence à effectuer aux machines ou à l'outillage, ou en cas de force majeure, mais uniquement dans la mesure nécessaire pour éviter qu'une gêne sérieuse ne soit apportée à la marche normale de l'établissement.

ARTICLE 9

1. L'autorité compétente peut attribuer un contingent d'heures supplémentaires pour des besoins économiques dans une industrie ou branche d'industrie, par des règlements édictés de temps en temps après consultation des organisations d'employeurs et de travailleurs intéressés sur la nécessité de ces heures supplémentaires et sur leur nombre. Toutefois le maximum des heures ainsi accordées ne doit pas permettre qu'une personne soit employée plus de soixante heures supplémentaires par an, en vertu du présent paragraphe.

2. In very exceptional cases in which it is satisfied that an allowance of sixty hours will not be sufficient to meet the special requirements of the industry or branch of an industry in question, the competent authority may by the same procedure grant a higher allowance, so however that the maximum allowance granted under paragraphs 1 and 2 of this Article shall not permit of any person being employed in virtue of the said paragraphs for more than one hundred and twenty hours of overtime in any year.

3. In cases of urgency in which it is satisfied of the impracticability of engaging additional persons, the competent authority may, in respect of specified persons or classes of persons, grant to individual undertakings temporary permits for extraordinary overtime, so however that no permit granted under this paragraph shall allow the employment of any person for more than sixty hours of such extraordinary overtime in any year.

4. Overtime authorised under this Article shall be remunerated at not less than one-and-a-quarter times the normal rate.

ARTICLE 10

In order to facilitate the effective enforcement of the provisions of this Convention:

1. Every employer shall be required to notify, by the posting of notices in a conspicuous manner in the works or other suitable place or by such other method as may be approved by the competent authority:

(*a*) the hours at which work begins and ends;

(*b*) where work is carried on by shifts, the hours at which each shift begins and ends;

(*c*) where a rotation system is applied, a description of the system, including a time-table for each person or group of persons;

(*d*) the arrangements made in cases where the average duration of the working week is calculated over a number of weeks; and

(*e*) rest periods in so far as these are not reckoned as part of the working hours.

2. Every employer shall be required to keep a record in the form prescribed by the competent authority of all additional hours worked in pursuance of Articles 7, 8 and 9, and of the payments made in respect thereof.

ARTICLE 11

Each party to this Convention agrees to make an annual report on the measures which it has taken to give effect to the provisions thereof. This report shall contain full information on the application of the Convention, more particularly concerning:

(*a*) arrangements of hours of work approved in accordance with Article 3, paragraph 4, or in accordance with Article 6, paragraph 3;

2. Dans des cas très exceptionnels où elle est fondée à penser que le contingent de soixante heures supplémentaires serait insuffisant pour répondre aux exigences spéciales de l'industrie ou de la branche d'industrie considérée, l'autorité compétente peut, au moyen de la même procédure, accorder un contingent plus élevé, sous réserve que le maximum d'heures accordées conformément aux paragraphes 1 et 2 du présent article n'aura pas pour résultat qu'une personne soit employée pour plus de cent-vingt heures supplémentaires par an en vertu desdits paragraphes.

3. Dans des cas d'urgence où elle est fondée à considérer comme impossible l'embauchage de nouvelles personnes, l'autorité compétente peut accorder pour des personnes ou des groupes de personnes désignés, occupés dans des établissements déterminés, des contingents temporaires d'heures supplémentaires extraordinaires, sous réserve qu'un contingent accordé conformément au présent paragraphe n'entraînera pas l'emploi d'une personne pendant plus de soixante heures de travail supplémentaire de cette nature au cours d'une année.

4. Les heures supplémentaires effectuées en vertu des dispositions du présent article seront rémunérées à un taux majoré d'au moins 25 pour cent par rapport au salaire normal.

ARTICLE 10

En vue de faciliter l'application effective des dispositions de la présente convention:

1. Chaque employeur doit faire connaître, au moyen d'affiches apposées d'une manière apparente dans l'établissement ou dans tout autre lieu convenable ou selon tout autre mode approuvé par l'autorité compétente:

a) les heures auxquelles commence et finit le travail;

b) si le travail s'effectue par équipes, les heures auxquelles commence et finit le tour de chaque équipe;

c) s'il est fait application d'un système de roulement, une description de ce système, y compris un horaire de travail pour chaque personne ou groupe de personnes;

d) les dispositions prises dans les cas où la durée hebdomadaire moyenne du travail est calculée sur plusieurs semaines;

e) les repos dans la mesure où ils ne sont pas considérés comme faisant partie des heures de travail.

2. Chaque employeur doit inscrire sur un registre, selon le mode approuvé par l'autorité compétente, toutes les prolongations de la durée du travail qui ont eu lieu en vertu des articles 7, 8 et 9 ainsi que le montant de leur rétribution.

ARTICLE 11

Chaque partie à cette convention s'engage à présenter un rapport annuel sur les mesures prises par elle pour mettre à exécution ladite convention. Ce rapport doit contenir des renseignements complets sur l'application de la convention, concernant notamment:

a) les répartitions des heures de travail approuvées en vertu de l'article 3, paragraphe 4 ou en vertu de l'article 6, paragraphe 3;

(*b*) processes classed as necessarily continuous in character for the purposes of Article 4;

(*c*) regulations made in accordance with Articles 5 and 7; and

(*d*) authorisations to work overtime granted in accordance with Article 9.

ARTICLE 12

The present Convention is independent of the Hours of Work (Industry) Convention, 1919, and does not involve its revision in whole or in part.

b) les travaux considérés comme étant, par leur nature, à fonctionnement nécessairement continu, aux fins de l'article 4;

c) les règlements établis conformément aux dispositions des articles 5 et 7;

d) les autorisations d'heures supplémentaires accordées en vertu de l'article 9.

ARTICLE 12

La présente convention est indépendante de la convention de 1919 sur la durée du travail (industrie) et n'en constitue revision ni totale ni partielle.

PROPOSED DRAFT CONVENTION CONCERNING THE FORTY-HOUR WEEK IN COMMERCE AND OFFICES

Article 1

1. This Convention applies to persons employed in the following establishments, whether public or private:

(*a*) commercial or trading establishments including postal, telegraph and telephone services, and commercial or trading branches of any other establishments;

(*b*) establishments and administrative services in which the persons employed are mainly engaged in office work;

(*c*) mixed commercial and industrial establishments unless they are deemed to be industrial establishments.

The competent authority in each country shall define the line of division which separates the above establishments from industrial and agricultural establishments.

2. This Convention does not apply to persons employed in the following establishments:

(*a*) establishments for the treatment and care of the sick, infirm, destitute, or mentally unfit;

(*b*) hotels, restaurants, boarding houses, clubs, cafés and other refreshment houses;

(*c*) theatres and places of public amusement;

but does apply to persons employed in branches of such establishments which would, if they were independent establishments, be included among the establishments to which this Convention applies.

3. The competent authority in each country may exempt from the application of this Convention:

(*a*) persons employed in establishments in which not more than six persons are employed;

(*b*) persons employed in establishments in which only members of the employer's family are employed;

(*c*) persons employed in offices in which the staff is engaged in connection with the administration of public authority;

(*d*) persons occupying positions of management or employed in a confidential capacity;

(*e*) travellers and representatives, in so far as they carry on their work outside the establishment.

AVANT-PROJET DE CONVENTION CONCERNANT LA SEMAINE DE 40 HEURES DANS LE COMMERCE ET LES BUREAUX

ARTICLE PREMIER

1. La présente convention s'applique au personnel des établissements suivants, qu'ils soient publics ou privés:

a) les établissements commerciaux, y compris les postes, télégraphes et téléphones, ainsi que les services commerciaux de tous autres établissements;

b) les établissements et administrations dont le fonctionnement repose essentiellement sur un travail de bureau;

c) les établissements revêtant un caractère à la fois commercial et industriel, sauf s'ils sont considérés comme des établissements industriels.

Dans chaque pays, l'autorité compétente devra établir la ligne de démarcation entre les établissements susmentionnés et les établissements industriels et agricoles.

2. La convention ne s'applique pas au personnel des établissements suivants:

a) établissements ayant pour objet le traitement ou l'hospitalisation des malades, des infirmes, des indigents et des aliénés;

b) hôtels, restaurants, pensions, cercles, cafés et autres établissements où sont servies des consommations;

c) entreprises de spectacles et de divertissements.

Toutefois, la convention est applicable au personnel des dépendances de ces établissements dans le cas où ces dépendances, si elles étaient autonomes, seraient comprises parmi les établissements auxquels s'applique la convention.

3. L'autorité compétente dans chaque pays peut exempter de l'application de la présente convention:

a) les personnes employées dans les établissements n'employant pas plus de six personnes;

b) les personnes employées dans les établissements dans lesquels sont seuls employés les membres de la famille de l'employeur;

c) les personnes employées dans les administrations publiques dans lesquelles le personnel employé agit comme organe de la puissance publique;

d) les personnes occupant un poste de direction ou de confiance;

e) les voyageurs et représentants dans la mesure où ils exercent leur travail en dehors de l'établissement.

ARTICLE 2

For the purposes of this Convention the term "hours of work" means the time during which the persons employed are at the disposal of the employer and does not include rest periods during which they are not at his disposal.

ARTICLE 3

1. No person to whom this Convention applies shall work for a number of hours exceeding an average of forty per week.

2. This average shall be calculated over a period not exceeding four weeks.

3. The hours worked in any one week shall be distributed within the week by an arrangement according to which the number of hours per day, excluding time permitted under Articles 5, 6 and 7, during which an establishment, or any department, workshop, or similar subdivision thereof, operates

(*a*) coincides with the number of individual hours of work of the persons employed therein, or

(*b*) where work is performed in successive shifts, is a simple multiple thereof.

4. The provisions of paragraphs 2 and 3 of this Article shall not apply in any case in which the competent authority has, after consultation with the employers' and workers' organisations concerned, or, where no such organisations exist, with representatives of the employers and workers concerned, approved a different arrangement of hours of work.

ARTICLE 4

1. No arrangement of hours of work made under Article 3 shall allow of any person being employed for more than eight hours in any one day or forty-eight hours in any one week:

2. Provided that, subject to the forty-eight-hour weekly limit, the competent authority may increase the daily limit to a maximum of ten hours.

3. Provided also that in exceptional cases in which the competent authority recognises the limits of eight and forty-eight hours to be inapplicable it may, after consultation with the employers' and workers' organisations concerned, or, where no such organisations exist, the representatives of the employers and workers concerned, approve arrangements of hours involving an increase in the daily limit to a maximum of ten hours and a weekly limit higher than forty-eight hours.

ARTICLE 5

1. The competent authority may, by regulations, permit the limits of hours prescribed in the preceding Article to be exceeded in the case of:

ARTICLE 2

Aux fins de la présente convention, l'expression « durée du travail » signifie le temps pendant lequel le personnel est à la disposition de l'employeur et ne comprend pas les repos pendant lesquels il n'est pas à sa disposition.

ARTICLE 3

1. La durée moyenne du travail de toute personne à qui s'applique la présente convention ne devra pas dépasser quarante heures par semaine.

2. Cette durée moyenne sera calculée sur une période ne dépassant pas quatre semaines.

3. Les heures de travail à effectuer chaque semaine doivent être réparties au cours de la semaine de manière que le nombre journalier d'heures pendant lesquelles l'établissement ou tout service, atelier ou autre section de l'établissement fonctionne, non compris les heures autorisées en vertu des articles 5, 6 et 7,

a) coïncide avec le nombre d'heures de travail individuelles des personnes y employées;

b) ou, si le travail est accompli par équipes successives, soit un multiple exact de ce nombre.

4. Les dispositions des paragraphes 2 et 3 du présent article ne s'appliquent pas dans les cas où l'autorité compétente a approuvé une répartition différente des heures de travail après consultation des organisations d'employeurs et de travailleurs intéressés ou, à défaut de telles organisations, après consultation des représentants des employeurs et des travailleurs intéressés.

ARTICLE 4

1. Aucune répartition des heures de travail faite en vertu de l'article 3 ne peut autoriser l'emploi d'une personne plus de huit heures par jour ni plus de quarante-huit heures par semaine.

2. Toutefois, sous réserve de la limitation hebdomadaire de quarante-huit heures, l'autorité compétente pourra porter la limite journalière jusqu'à dix heures au maximum.

3. En outre, dans des cas exceptionnels où l'autorité compétente reconnaît que les limites de huit heures par jour et quarante-huit heures par semaine sont inapplicables, elle peut, après consultation des organisations d'employeurs et de travailleurs intéressés ou, à défaut de telles organisations, après consultation des représentants des employeurs et des travailleurs intéressés, approuver une répartition des heures comportant une augmentation de la durée quotidienne jusqu'à dix heures au maximum et de la durée hebdomadaire au delà de quarante-huit heures.

ARTICLE 5

1. L'autorité compétente peut, par des règlements, permettre de dépasser les limites des heures de travail fixées aux articles précédents pour:

(*a*) persons whose work is inherently intermittent, such as caretakers and persons employed to look after working premises and warehouses;

(*b*) persons employed on preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the establishment; and

(*c*) persons employed in shops and other establishments where the nature of the work or the size of the population renders inapplicable the working hours prescribed by Articles 3 and 4.

2. The regulations referred to in paragraph 1 shall determine the maximum number of hours which may be worked in virtue of this Article.

ARTICLE 6

The limits of hours prescribed in the preceding Articles may be exceeded in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of *force majeure*, but only so far as may be necessary to avoid serious interference with the ordinary working of the establishment.

ARTICLE 7

1. The competent authority may, by regulations issued from time to time, grant an allowance of overtime to establishments for which it recognises this to be necessary, more particularly for the purpose of:

(*a*) preventing the loss of perishable goods or avoiding endangering the technical results of the work,

(*b*) allowing for special work such as that involved by stocktaking, the preparation of balance sheets, settlement days, liquidations, and the balancing and closing of accounts, or

(*c*) enabling establishments to deal with cases of abnormal pressure of work due to special circumstances, in so far as the employer cannot ordinarily be expected to resort to other measures,

so, however, that the maximum allowance so granted shall not permit of any person being employed in virtue of this paragraph for more than sixty hours of overtime in any year.

2. In cases in which it is satisfied that an allowance of sixty hours will not be sufficient to meet the special requirements of any category of establishment, the competent authority may grant a higher allowance, so, however, that the maximum allowance granted under this Article shall not permit of any person being employed in virtue of this Article for more than 120 hours of overtime in any year.

3. Overtime authorised under this Article shall be remunerated at not less than one-and-a-quarter times the normal rate.

a) les personnes dont le travail est intermittent en raison même de sa nature, telles que les concierges, le personnel de garde et d'entretien des locaux et dépôts;

b) les personnes employées à des travaux préparatoires ou complémentaires qui doivent être nécessairement exécutés en dehors de la limite assignée au travail général de l'établissement;

c) les personnes employées dans les magasins ou autres établissements, lorsque la nature du travail ou l'importance de la population rendent inapplicable la durée du travail fixée aux articles 3 et 4.

2. Les règlements prévus au paragraphe 1 détermineront le nombre maximum d'heures de travail qui peuvent être effectuées en vertu du présent article.

ARTICLE 6

Les limites des heures de travail prévues aux articles précédents pourront être dépassées en cas d'accident survenu ou imminent, ou en cas de travaux d'urgence à effectuer aux machines ou à l'outillage, ou en cas de force majeure, mais uniquement dans la mesure nécessaire pour éviter qu'une gêne sérieuse ne soit apportée à la marche normale de l'établissement.

ARTICLE 7

1. L'autorité compétente peut, par des règlements édictés de temps en temps, attribuer un contingent d'heures supplémentaires aux établissements pour lesquels elle le juge nécessaire, en particulier:

a) pour prévenir la perte de matières périssables ou éviter de compromettre le résultat technique du travail;

b) pour permettre des travaux spéciaux tels que l'établissement d'inventaires et de bilans, les échéances, les liquidations et les arrêtés de comptes;

c) pour permettre aux établissements de faire face à des surcroîts de travail extraordinaires provenant de circonstances particulières pour autant que l'on ne puisse normalement attendre de l'employeur qu'il ait recours à d'autres mesures.

Toutefois le maximum d'heures ainsi accordées n'aura pas pour résultat qu'une personne soit employée pour plus de soixante heures supplémentaires par an en vertu du présent paragraphe.

2. Dans le cas où elle est fondée à penser que le contingent de soixante heures supplémentaires serait insuffisant pour répondre aux exigences spéciales d'une catégorie quelconque d'établissements, l'autorité compétente peut acccorder un contingent plus élevé, sous réserve que le maximum d'heures accordées conformément au présent article n'aura pas pour résultat qu'une personne soit employée plus de cent vingt heures supplémentaires par an en vertu dudit article.

3. Les heures supplémentaires effectuées en vertu du présent article seront rémunérées à un taux majoré d'au moins 25 pour cent par rapport au salaire normal.

ARTICLE 8

The competent authority shall, before making regulations under Articles 5 and 7 consult the organisations of employers and workers concerned and have special regard to any collective agreements which may exist between the said organisations.

ARTICLE 9

In order to facilitate the effective enforcement of the provisions of this Convention:

1. Every employer shall be required to notify, by the posting of notices in a conspicuous manner in the establishment or other suitable place, or by such other method as may be approved by the competent authority:

(*a*) the hours at which work begins and ends;

(*b*) where work is carried on by shifts, the hours at which each shift begins and ends;

(*c*) where a rotation system is applied, a description of the system including a time-table for each person or group of persons;

(*d*) the arrangements made in cases where the average duration of the working week is calculated over a number of weeks; and

(*e*) rest periods in so far as these are not reckoned as part of the working hours.

2. Every employer shall be required to keep a record, in the form prescribed by the competent authority, of all additional hours worked in pursuance of Articles 5, 6 and 7 of this Convention and of the payments made in respect thereof.

ARTICLE 10

Each party to this Convention agrees to make an annual report on the measures which it has taken to give effect to the provisions thereof. This report shall contain full information on the application of the Convention and more particularly concerning:

(*a*) arrangements of hours of work approved in accordance with Article 3, paragraph 4, and Article 4, paragraph 3;

(*b*) regulations issued in accordance with Article 5;

(*c*) authorisations to work overtime granted in accordance with Article 7.

ARTICLE 11

The present Convention is independent of the Hours of Work (Commerce and Offices) Convention, 1930, and does not involve its revision in whole or in part.

ARTICLE 8

L'autorité compétente devra, avant de prendre les règlements prévus aux articles 5 et 7, consulter les organisations d'employeurs et de travailleurs intéressés et tenir compte spécialement des conventions collectives qui peuvent exister entre ces organisations.

ARTICLE 9

En vue de faciliter l'application effective des dispositions de la présente convention:

1. Chaque employeur doit faire connaître, au moyen d'affiches apposées d'une manière apparente dans l'établissement ou en tout autre lieu convenable ou selon tout autre mode approuvé par l'autorité compétente:

a) les heures auxquelles commence et finit le travail;

b) si le travail s'effectue par équipes, les heures auxquelles commence et finit le tour de chaque équipe;

c) s'il est fait application d'un système de roulement, une description de ce système, y compris un horaire de travail pour chaque travailleur ou groupe de travailleurs;

d) les dispositions prises dans les cas où la durée hebdomadaire moyenne du travail est calculée sur plusieurs semaines;

e) les repos dans la mesure où ils ne sont pas considérés comme faisant partie des heures de travail.

2. Chaque employeur doit inscrire sur un registre, selon le mode approuvé par l'autorité compétente, toutes les prolongations de la durée du travail effectuées en vertu des articles 5, 6 et 7 ainsi que le montant de leur rétribution.

ARTICLE 10

Chaque partie à cette convention s'engage à présenter un rapport annuel sur les mesures prises par elle pour mettre à exécution ladite convention. Le rapport doit contenir des renseignements complets sur l'application de la convention, concernant notamment:

a) la répartition des heures de travail autorisées, conformément à l'article 3, paragraphe 4 et à l'article 4, paragraphe 3;

b) les règlements édictés conformément à l'article 5;

c) les autorisations d'effectuer des heures supplémentaires accordées en vertu de l'article 7.

ARTICLE 11

La présente convention est indépendante de la convention de 1930 sur la durée du travail (commerce et bureaux) et n'en constitue revision ni totale ni partielle.

DRAFT RECOMMENDATION CONCERNING THE MAINTENANCE OF THE STANDARD OF LIVING IN THE CASE OF A REDUCTION IN THE HOURS OF WORK

The Conference,

Having adopted Draft Conventions concerning hours of work in industry and in commerce and offices,

Considering that any reduction in the purchasing power of workers would tend to reduce demand and would lead to further unemployment,

Considering also that the present standard of living of workers is such that it should not be reduced,

Recommends:

That Governments should take such steps as they deem advisable to ensure that the reduction of hours of work should not result in lowering the standard of living of the workers; and

That, in particular, Governments should take appropriate measures to this end in order to ensure:

(1) that any adjustment of wages and salaries should be effected as far as possible by means of direct negotiations between the employers' and workers' organisations concerned; and

(2) that if agreement between the parties concerned cannot be reached it should be possible for either of the parties concerned to submit the dispute to bodies competent to deal with wage questions, and further, that where no such bodies exist, they should be set up.

DRAFT RESOLUTION ON TECHNOLOGICAL UNEMPLOYMENT

The Conference requests the International Labour Office:

(1) to submit to the Governing Body a draft Questionnaire for the purpose of obtaining at regular intervals information showing, directly or indirectly, the effects of technical progress upon the volume of employment in the various industries and occupations;

(2) after the Questionnaire has been approved by the Governing Body, to invite the Members of the Organisation to furnish at regular intervals as full information as possible on the matters dealt with in the Questionnaire.

PROJET DE RECOMMANDATION CONCERNANT LE MAINTIEN DES NIVEAUX DE VIE EN CAS DE RÉDUCTION DE LA DURÉE DU TRAVAIL

La Conférence,

Après avoir adopté des projets de convention concernant la durée du travail dans l'industrie et dans le commerce et les bureaux,

Considérant que toute réduction du pouvoir d'achat des travailleurs tendrait à réduire la demande de la consommation et entraînerait un accroissement du chômage, et

Considérant que le niveau de vie actuel des travailleurs est tel qu'il ne saurait être réduit,

Recommande:

que les gouvernements prennent toutes mesures qu'ils estimeront opportunes afin que la réduction de la durée du travail n'ait pas pour conséquence une diminution du niveau de vie des travailleurs;

et que, dans ce but, notamment, les gouvernements prennent les dispositions appropriées:

1) pour que toute adaptation des salaires et des traitements se fasse dans la plus large mesure possible par voie de négociations directes entre les organisations patronales et ouvrières intéressées, et

2) pour que, si un accord entre les parties intéressées se révèle impossible, le différend puisse être porté, par l'une ou l'autre des parties intéressées, devant des organismes habilités pour traiter les questions de salaires et pour que, lorsqu'ils n'existent pas, de tels organismes soient institués.

PROJET DE RÉSOLUTION CONCERNANT LE CHÔMAGE TECHNOLOGIQUE

La Conférence invite le Bureau international du Travail:

1) A soumettre au Conseil d'administration un projet de questionnaire destiné à réunir périodiquement des informations directes ou indirectes sur les modifications qu'entraînent les progrès techniques dans le volume de l'emploi au sein des diverses industries, professions ou autres catégories de travailleurs;

2) Une fois le questionnaire approuvé par le Conseil d'administration, à prier les Membres de l'Organisation de fournir périodiquement et aussi complètement qu'il leur sera possible les renseignements qui y seront visés.

ERRATA

PAGE 47. — CANADA (Saskatchewan), Question 10 *(c)*:
Instead of "negative" read "affirmative".

PAGE 143, 17th line. — Instead of "provided it is approved by the competent authority" read "provided that before it is put into operation the competent authority has consulted the organisations, or in the absence of organisations the representatives, of the employers and workers concerned and has given its approval."